

# **EXHIBIT E**

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TEACHSCAPE, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

CANTER & ASSOCIATES, LLC and  
LAUREATE EDUCATION, INC.,

Plaintiffs,

v.

TEACHSCAPE, INC.,

Defendant.

Case No. C 07-3225 RS

**DEFENDANT TEACHSCAPE, INC.'S  
RESPONSE TO PLAINTIFFS' FIRST  
SET OF REQUESTS FOR  
PRODUCTION OF DOCUMENTS AND  
THINGS (NOS. 1-80)**

**PROPOUNDING PARTIES: PLAINTIFF CANTER & ASSOCIATES, LLC and  
PLAINTIFF LAUREATE EDUCATION, INC.**

**RESPONDING PARTY: DEFENDANT TEACHSCAPE, INC.**

**SET NUMBER: One (1)**

Pursuant to Rule 34 of the Federal Rules of Civil Procedure, Defendant Teachscape, Inc. ("Teachscape") makes the following objections and responses to Plaintiffs Canter & Associates, LLC and Laureate Education's (collectively, "Plaintiffs") First Set Of Requests For Production Of Documents And Things ("Requests") served on it in the above-captioned matter:

**GENERAL STATEMENT AND OBJECTIONS**

Teachscape's Motion To Dismiss, which, among other things, notes the vagueness of the

1 allegations in Plaintiffs' complaint, and calls into question this Court's jurisdiction, is presently  
2 under submission with this Court. Consequently, Teachscape asserts that this set of Requests For  
3 Production, and each of the eighty requests contained therein, are unduly burdensome, oppressive  
4 and harassing. Moreover, Teachscape has not yet completed its investigation of the facts  
5 pertaining to this action or begun its discovery. Teachscape reserves its right to rely on any  
6 further, additional, or different facts, documents or other evidence which may develop or come to  
7 its attention at a later time. Teachscape's objections as set forth herein are made without prejudice  
8 to Teachscape's right to assert any additional objections or responses. By responding, Teachscape  
9 does not concede that its responses are properly discoverable or admissible, or that any responsive  
10 documents exist.

11 Teachscape makes the following general objections to Plaintiffs' Requests. The assertion  
12 of the same, similar, or additional objections as to any particular response herein waives none of  
13 Teachscape's objections as set forth below:

14 1. Teachscape objects to each of the definitions and instructions incorporated in these  
15 requests to the extent they seek to expand or enlarge requirements set out in the Federal Rules of  
16 Civil Procedure.

17 2. Teachscape objects to these requests to the extent they seek information protected from  
18 disclosure by any applicable privilege or doctrine, including, without limitation, the attorney-client  
19 privilege, the common interest privilege, the work product doctrine, the confidentiality of statements  
20 made and conduct engaged in for settlement purposes, the mediation privilege, any third party's right  
21 to privacy, the joint defense privilege, or any other privilege or allowance of confidentiality provided  
22 by law. No such privileged documents will be produced. Any inadvertent disclosure of such  
23 documents shall not be deemed to waive any such privilege with respect to such documents or any  
24 work product doctrine which may attach thereto. Teachscape reserves the right to object at any time  
25 to the introduction into evidence or the use of any documents that are protected from disclosure  
26 which have been or are revealed or produced inadvertently.

1           3.     Teachscope objects to these requests to the extent they seek information, the disclosure  
2 of which would violate any constitutional, statutory or common law privacy interest of any current or  
3 former employee or representative of Teachscope, or of any other person or entity.

4           4.     Teachscope objects to these requests to the extent that they call for information not  
5 within the possession, custody or control of Teachscope. Teachscope further objects to these requests  
6 to the extent they seek information in the possession, custody or control of Plaintiffs or third parties,  
7 or which is equally available to Plaintiffs through sources such as public records. The responses  
8 given herein are based upon information reasonably available to Teachscope and documents within  
9 Teachscope's possession, custody and control.

10          5.     Teachscope objects to the definition of "Teachscope," "you," "your," and "yourself" as  
11 overbroad.

12          6.     Teachscope objects to each and every request to the extent it refers to "Teachscope's"  
13 degree programs or courses. Teachscope is not an accredited university or college authorized to issue  
14 any degree and hence has no degree program or courses of its own. Teachscope partners with  
15 accredited schools and universities.

16          7.     Teachscope objects to the definition "Canter's former employees" and to each and every  
17 request referring to "Canter's former employees" to the extent that Teachscope is unaware of whether  
18 persons who are or were employed by Teachscope, or are or were independent contractors of  
19 Teachscope, were employed by, or were independent contractors, of Canter or Laureate.

20          8.     Teachscope objects to the definition of "relating to" and each and every request including  
21 the phrase "relating to" to the extent it renders the requests vague, ambiguous and/or unintelligible  
22 and/or overbroad.

23          9.     Teachscope objects to each and every request as overbroad as to time and scope, in  
24 particular, to the extent it seeks documents unlimited by any time frame.

25          10.    Teachscope objects to these requests to the extent they seek disclosure of Teachscope's  
26 trade secrets or confidential proprietary, business, or commercial information. Teachscope will not  
27  
28

1 produce such information absent an appropriate protective order entered by the Court in the above-  
 2 captioned matter and absent a showing such disclosure is warranted.

3 11. Teachscape objects to these requests to the extent they seek trade secrets or confidential  
 4 proprietary, business, or commercial information of any person or entity not a party to this action.

5 12. Teachscape objects to each and every request to the extent that they seek documents  
 6 and/or information that goes beyond the permissible scope of discovery of trade secrets and other  
 7 proprietary information, and insofar as Plaintiffs have failed to described their purported trade secrets  
 8 with reasonable particularity.

9 13. Teachscape objects to these requests on the ground that they are premature, as a Motion  
 10 to Dismiss the above-captioned matter is pending before this Court.

11 14. To the extent the requests seek electronically stored information, Teachscape objects to  
 12 the requests as overly broad and unduly burdensome to the extent each purports to require  
 13 Teachscape to search vast volumes of computer data, including, but not limited to, deleted data,  
 14 archived or backup data stored in multiple locations, or data which is otherwise not reasonably  
 15 accessible.

16 15. To the extent the requests seek electronically stored information, the request did not  
 17 specify a form of production of the requested electronically stored information. Teachscape objects  
 18 to the production of electronically stored information in a form including metadata and/or source  
 19 codes to the extent such production involves privileged or confidential information, and to the extent  
 20 production of which would impose an undue burden or cost on Teachscape.

21 16. Teachscape objects to these requests to the extent they seek to impose any burden or  
 22 obligation in excess of the requirements of Federal Rules of Civil Procedure 26 or 34. Teachscape  
 23 further objects to these requests to the extent they require Teachscape to incur any expense in  
 24 assembling a chart, compilation or electronic database in order to respond to these requests.

25 The foregoing objections are incorporated by reference into each and every one of the  
 26 following responses:

**OBJECTIONS AND RESPONSES TO REQUESTS FOR PRODUCTION**

**REQUEST NO. 1:**

Final versions and the earliest available drafts of documents and things intended to be, actually sent to, or made available to students or teachers relating to Teachscape's "Teacher as Leader" course, such as course websites, DVDs, videos, video media files, CDs, audio media files, syllabi, course packets, study resources, articles, texts, course log-ins, quizzes, tests, course outlines, and grading keys.

**RESPONSE TO REQUEST NO. 1:**

Teachscape objects to this request on the grounds that it is generally vague and ambiguous and specifically vague and ambiguous as to the words and phrases "earliest available," "drafts," "intended to be," and "made available." Teachscape further objects to this request on the ground that it calls for the production of confidential, proprietary and/or trade secret information of Teachscape, and Teachscape will not produce any such information absent entry of an appropriate protective order. Teachscape also objects to this request to the extent that it calls for the production of non-party(ies)' confidential, proprietary and/or trade secret information. Teachscape further objects to this request to the extent that it calls for the production of documents neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence. Teachscape further objects to this request to the extent that it calls for the production of documents that are not in the possession, custody or control of Teachscape. Teachscape further objects to this request to the extent that it calls for the production of documents that are publicly available to Plaintiffs. Teachscape further objects to this request on the ground and to the extent that it is duplicative of other requests contained herein.

Subject to and without waiving the foregoing specific and general objections set forth above, Teachscape responds as follows:

Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce responsive, non-privileged documents at a mutually convenient time and place upon entry of an

1 appropriate protective order.

2 **REQUEST NO. 2:**

3 Final versions and the earliest available drafts of documents and things intended to be,  
4 actually sent to, or made available to students or teachers relating to Teachscape's  
5 "Understanding Teaching and Learning" course, such as course websites, DVDs, videos, video  
6 media files, CDs, audio media files, syllabi, course packets, study resources, articles, texts,  
7 course log-ins, quizzes, tests, course outlines, and grading keys.

8 **RESPONSE TO REQUEST NO. 2:**

9 Teachscape objects to this request on the grounds that it is generally vague and ambiguous  
10 and specifically vague and ambiguous as to the words and phrases "earliest available," "drafts,"  
11 "intended to be," and "made available." Teachscape further objects to this request on the  
12 grounds that it is overly broad, unduly burdensome and oppressive. Teachscape further objects  
13 to this request on the ground that it calls for the production of confidential, proprietary and/or  
14 trade secret information of Teachscape, and Teachscape will not produce any such information  
15 absent entry of an appropriate protective order. Teachscape also objects to this request to the  
16 extent that it calls for the production of non-party(ies)' confidential, proprietary and/or trade  
17 secret information. Teachscape further objects to this request to the extent that it calls for the  
18 production of documents neither relevant to the subject matter of the pending action nor  
19 reasonably calculated to lead to the discovery of admissible evidence. Teachscape further  
20 objects to this request to the extent that it calls for the production of documents that are not in  
21 the possession, custody or control of Teachscape. Teachscape further objects to this request to  
22 the extent that it calls for the production of documents that are publicly available to Plaintiffs.  
23 Teachscape further objects to this request on the ground and to the extent that it is duplicative of  
24 other requests contained herein.

25 Subject to and without waiving the foregoing specific and general objections set forth  
26 above, Teachscape responds as follows:



1 Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce  
2 responsive, non-privileged documents at a mutually convenient time and place upon entry of an  
3 appropriate protective order.

4 **REQUEST NO. 3:**

5 Final versions and the earliest available drafts of documents and things intended to be,  
6 actually sent to, or made available to students or teachers relating to Teachscape's "Instructional  
7 Design; Effective Assessment" course, such as course websites, DVDs, videos, video media  
8 files, CDs, audio media files, syllabi, course packets, study resources, articles, texts, course log-  
9 ins, quizzes, tests, course outlines, and grading keys.

10 **RESPONSE TO REQUEST NO. 3:**

11 Teachscape objects to this request on the grounds that it is generally vague and ambiguous  
12 and specifically vague and ambiguous as to the words and phrases "earliest available," "drafts,"  
13 "intended to be," and "made available." Teachscape further objects to this request on the  
14 grounds that it is overly broad, unduly burdensome and oppressive. Teachscape further objects  
15 to this request on the ground that it calls for the production of confidential, proprietary and/or  
16 trade secret information of Teachscape, and Teachscape will not produce any such information  
17 absent entry of an appropriate protective order. Teachscape also objects to this request to the  
18 extent that it calls for the production of non-party(ies)' confidential, proprietary and/or trade  
19 secret information. Teachscape further objects to this request on the ground that it calls for the  
20 production of documents neither relevant to the subject matter of the pending action nor  
21 reasonably calculated to lead to the discovery of admissible evidence. Teachscape further  
22 objects to this request to the extent that it calls for the production of documents that are not in  
23 the possession, custody or control of Teachscape. Teachscape further objects to this request to  
24 the extent that it calls for the production of documents that are publicly available to Plaintiffs.  
25 Teachscape further objects to this request on the ground and to the extent that it is duplicative of  
26 other requests contained herein.

27 Subject to and without waiving the foregoing specific and general objections set forth  
28



1 above, Teachscape responds as follows:

2 Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce  
3 responsive, non-privileged documents at a mutually convenient time and place upon entry of an  
4 appropriate protective order.

5 **REQUEST NO. 4:**

6 Final versions and the earliest available drafts of documents and things intended to be,  
7 actually sent to, or made available to students or teachers relating to Teachscape's "Teacher as  
8 Researcher" course, such as course websites, DVDs, videos, video media files, CDs, audio  
9 media files, syllabi, course packets, study resources, articles, texts, course log-ins, quizzes, tests,  
10 course outlines, and grading keys.

11 **RESPONSE TO REQUEST NO. 4:**

12 Teachscape objects to this request on the grounds that it is generally vague and ambiguous  
13 and specifically vague and ambiguous as to the words and phrases "earliest available," "drafts,"  
14 "intended to be," and "made available." Teachscape further objects to this request on the  
15 grounds that it is overly broad, unduly burdensome and oppressive. Teachscape further objects  
16 to this request on the ground that it calls for the production of confidential, proprietary and/or  
17 trade secret information of Teachscape, and Teachscape will not produce any such information  
18 absent entry of an appropriate protective order. Teachscape also objects to this request to the  
19 extent it calls for the production of non-party(ies)' confidential, proprietary and/or trade secret  
20 information. Teachscape further objects to this request to the extent that it calls for the  
21 production of documents neither relevant to the subject matter of the pending action nor  
22 reasonably calculated to lead to the discovery of admissible evidence. Teachscape further  
23 objects to this request to the extent that it calls for the production of documents that are not in  
24 the possession, custody or control of Teachscape. Teachscape further objects to this request to  
25 the extent that it calls for the production of documents that are publicly available to Plaintiffs.  
26 Teachscape further objects to this request on the ground and to the extent that it is duplicative of  
27 other requests contained herein.

1 Subject to and without waiving the foregoing specific and general objections set forth  
2 above, Teachscape responds as follows:

3 Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce  
4 responsive, non-privileged documents at a mutually convenient time and place upon entry of an  
5 appropriate protective order.

6 **REQUEST NO. 5:**

7 Final versions and the earliest available drafts of documents and things intended to be,  
8 actually sent to, or made available to students or teachers relating to Teachscape's "Meeting the  
9 Needs of All Students" course, such as course websites, DVDs, videos, video media files, CDs,  
10 audio media files, syllabi, course packets, study resources, articles, texts, course log-ins, quizzes,  
11 tests, course outlines, and grading keys.

12 **RESPONSE TO REQUEST NO. 5:**

13 Teachscape objects to this request on the grounds that it is generally vague and ambiguous  
14 and specifically vague and ambiguous as to the words and phrases "earliest available," "drafts,"  
15 "intended to be," and "made available." Teachscape further objects to this request on the  
16 grounds that it is overly broad, unduly burdensome and oppressive. Teachscape further objects  
17 to this request on the ground that it calls for the production of confidential, proprietary and/or  
18 trade secret information of Teachscape, and Teachscape will not produce any such information  
19 absent entry of an appropriate protective order. Teachscape also objects to this request to the  
20 extent it calls for the production of non-party(ies)' confidential, proprietary and/or trade secret  
21 information. Teachscape further objects to this request to the extent that it calls for the  
22 production of documents neither relevant to the subject matter of the pending action nor  
23 reasonably calculated to lead to the discovery of admissible evidence. Teachscape further  
24 objects to this request to the extent that it calls for the production of documents that are not in  
25 the possession, custody or control of Teachscape. Teachscape further objects to this request to  
26 the extent that it calls for the production of documents that are publicly available to Plaintiffs.  
27 Teachscape further objects to this request on the ground and to the extent that it is duplicative of  
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1 other requests contained herein.

2 Subject to and without waiving the foregoing specific and general objections set forth  
3 above, Teachscape responds as follows:

4 Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce  
5 responsive, non-privileged documents at a mutually convenient time and place upon entry of an  
6 appropriate protective order.

7 **REQUEST NO. 6:**

8 Final versions and the earliest available drafts of documents and things intended to be,  
9 actually sent to, or made available to students or teachers relating to Teachscape's "Foundations  
10 of Reading and Literacy" course, such as course websites, DVDs, videos, video media files,  
11 CDs, audio media files, syllabi, course packets, study resources, articles, texts, course log-ins,  
12 quizzes, tests, course outlines, and grading keys.

13 **RESPONSE TO REQUEST NO. 6:**

14 Teachscape objects to this request on the grounds that it is generally vague and ambiguous  
15 and specifically vague and ambiguous as to the words and phrases "earliest available," "drafts,"  
16 "intended to be," and "made available." Teachscape further objects to this request on the  
17 grounds that it is overly broad, unduly burdensome and oppressive. Teachscape further objects  
18 to this request on the ground that it calls for the production of confidential, proprietary and/or  
19 trade secret information of Teachscape, and Teachscape will not produce any such information  
20 absent entry of an appropriate protective order. Teachscape also objects to this request to the  
21 extent it calls for the production of non-party(ies)' confidential, proprietary and/or trade secret  
22 information. Teachscape further objects to this request to the extent that it calls for the  
23 production of documents neither relevant to the subject matter of the pending action nor  
24 reasonably calculated to lead to the discovery of admissible evidence. Teachscape further  
25 objects to this request to the extent that it calls for the production of documents that are not in  
26 the possession, custody or control of Teachscape. Teachscape further objects to this request to  
27 the extent that it calls for the production of documents that are publicly available to Plaintiffs.

1 Teachscope further objects to this request on the ground and to the extent that it is duplicative of  
2 other requests contained herein.

3 Subject to and without waiving the foregoing specific and general objections set forth  
4 above, Teachscope responds as follows:

5 Should the Court deny Teachscope's Motion To Dismiss, Teachscope will produce  
6 responsive, non-privileged documents at a mutually convenient time and place upon entry of an  
7 appropriate protective order.

8 **REQUEST NO. 7:**

9 Final versions and the earliest available drafts of documents and things intended to be,  
10 actually sent to, or made available to students or teachers relating to Teachscope's "Assessment  
11 & Intervention for Struggling Readers" course, such as course websites, DVDs, videos, video  
12 media files, CDs, audio media files, syllabi, course packets, study resources, articles, texts,  
13 course log-ins, quizzes, tests, course outlines, and grading keys.

14 **RESPONSE TO REQUEST NO. 7:**

15 Teachscope objects to this request on the grounds that it is generally vague and ambiguous  
16 and specifically vague and ambiguous as to the words and phrases "earliest available," "drafts,"  
17 "intended to be," and "made available." Teachscope further objects to this request on the  
18 grounds that it is overly broad, unduly burdensome and oppressive. Teachscope further objects  
19 to this request on the ground that it calls for the production of confidential, proprietary and/or  
20 trade secret information of Teachscope, and Teachscope will not produce any such information  
21 absent entry of an appropriate protective order. Teachscope also objects to this request to the  
22 extent it calls for the production of non-party(ies)' confidential, proprietary and/or trade secret  
23 information. Teachscope further objects to this request to the extent that it calls for the  
24 production of documents neither relevant to the subject matter of the pending action nor  
25 reasonably calculated to lead to the discovery of admissible evidence. Teachscope further  
26 objects to this request to the extent that it calls for the production of documents that are not in  
27 the possession, custody or control of Teachscope. Teachscope further objects to this request to  
28

1 the extent that it calls for the production of documents that are publicly available to Plaintiffs.  
 2 Teachscape further objects to this request on the ground and to the extent that it is duplicative of  
 3 other requests contained herein.

4 Subject to and without waiving the foregoing specific and general objections set forth  
 5 above, Teachscape responds as follows:

6 Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce  
 7 responsive, non-privileged documents at a mutually convenient time and place upon entry of an  
 8 appropriate protective order.

9 **REQUEST NO. 8:**

10 Final versions and the earliest available drafts of documents and things intended to be,  
 11 actually sent to, or made available to students or teachers relating to Teachscape's "Reading in  
 12 the Content Areas" course, such as course websites, DVDs, videos, video media files, CDs,  
 13 audio media files, syllabi, course packets, study resources, articles, texts, course log-ins, quizzes,  
 14 tests, course outlines, and grading keys.

15 **RESPONSE TO REQUEST NO. 8:**

16 Teachscape objects to this request on the grounds that it is generally vague and ambiguous  
 17 and specifically vague and ambiguous as to the words and phrases "earliest available," "drafts,"  
 18 "intended to be," and "made available." Teachscape further objects to this request on the  
 19 grounds that it is overly broad, unduly burdensome and oppressive. Teachscape further objects  
 20 to this request on the ground that it calls for the production of confidential, proprietary and/or  
 21 trade secret information of Teachscape, and Teachscape will not produce any such information  
 22 absent entry of an appropriate protective order. Teachscape also objects to this request to the  
 23 extent it calls for the production of non-party(ies)' confidential, proprietary and/or trade secret  
 24 information. Teachscape further objects to this request to the extent that it calls for the  
 25 production of documents neither relevant to the subject matter of the pending action nor  
 26 reasonably calculated to lead to the discovery of admissible evidence. Teachscape further  
 27 objects to this request to the extent that it calls for the production of documents that are not in  
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1 the possession, custody or control of Teachscape. Teachscape further objects to this request to  
 2 the extent that it calls for the production of documents that are publicly available to Plaintiffs.  
 3 Teachscape further objects to this request on the ground and to the extent that it is duplicative of  
 4 other requests contained herein.

5 Subject to and without waiving the foregoing specific and general objections set forth  
 6 above, Teachscape responds as follows:

7 Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce  
 8 responsive, non-privileged documents at a mutually convenient time and place upon entry of an  
 9 appropriate protective order.

10 **REQUEST NO. 9:**

11 Final versions and the earliest available drafts of documents and things intended to be,  
 12 actually sent to, or made available to students or teachers relating to Teachscape's "Master in  
 13 Art of Teaching with a Focus on Elementary Reading & Literacy K-6" degree program offered  
 14 through Marygrove, such as course websites, DVDs, videos, video media files, CDs, audio  
 15 media files, syllabi, course packets, study resources, articles, texts, course log-ins, quizzes, tests,  
 16 course outlines, and grading keys.

17 **RESPONSE TO REQUEST NO. 9:**

18 Teachscape objects to this request on the grounds that it is generally vague and ambiguous  
 19 and specifically vague and ambiguous as to the words and phrases "earliest available," "drafts,"  
 20 "intended to be," and "made available." Teachscape further objects to this request on the  
 21 grounds that it is overly broad, unduly burdensome and oppressive. Teachscape further objects  
 22 to this request on the ground that it calls for the production of confidential, proprietary and/or  
 23 trade secret information of Teachscape, and Teachscape will not produce any such information  
 24 absent entry of an appropriate protective order. Teachscape also objects to this request on the  
 25 ground that it calls for the production of non-party(ies)' confidential, proprietary and/or trade  
 26 secret information. Teachscape further objects to this request to the extent that it calls for the  
 27 production of documents neither relevant to the subject matter of the pending action nor  
 28



1 reasonably calculated to lead to the discovery of admissible evidence. Teachscape further  
2 objects to this request to the extent that it calls for the production of documents that are not in  
3 the possession, custody or control of Teachscape. Teachscape further objects to this request to  
4 the extent that it calls for the production of documents that are publicly available to Plaintiffs.  
5 Teachscape further objects to this request on the ground and to the extent that it is duplicative of  
6 other requests contained herein.

7 Subject to and without waiving the foregoing specific and general objections set forth  
8 above, Teachscape responds as follows:

9 Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce  
10 responsive, non-privileged documents at a mutually convenient time and place upon entry of an  
11 appropriate protective order.

12 **REQUEST NO. 10:**

13 Final versions and the earliest available drafts of documents and things intended to be,  
14 actually sent to, or made available to students or teachers relating to Teachscape's "Master in  
15 Education in Reading & Literacy, K-6" degree program advertised in or around September  
16 2006, such as course websites, DVDs, videos, video media files, CDs, audio media files, syllabi,  
17 course packets, study resources, articles, texts, course log-ins, quizzes, tests, course outlines, and  
18 grading keys.

19 **RESPONSE TO REQUEST NO. 10:**

20 Teachscape objects to this request on the grounds that it is generally vague and ambiguous  
21 and specifically vague and ambiguous as to the words and phrases "earliest available," "drafts,"  
22 "intended to be," "made available" and "advertised." Teachscape also objects to this request to  
23 the extent it calls for speculation and lacks foundation. Teachscape further objects to this  
24 request on the grounds that it is overly broad, unduly burdensome and oppressive. Teachscape  
25 further objects to this request to the extent it calls for the production of confidential, proprietary  
26 and/or trade secret information of Teachscape, and Teachscape will not produce any such  
27 information absent entry of an appropriate protective order. Teachscape objects to this request  
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on the ground that it calls for the production of non-party(ies)' confidential, proprietary and/or trade secret information. Teachscape further objects to this request on the ground that it calls for the production of documents neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence. Teachscape also objects to this request to the extent that it calls for the production of documents that are not in the possession, custody or control of Teachscape. Teachscape additionally objects to this request to the extent that it calls for the production of documents that are publicly available to Plaintiffs. Teachscape further objects to this request on the ground and to the extent that it is duplicative of other requests contained herein.

Subject to and without waiving the foregoing specific and general objections set forth above, Teachscape responds as follows:

Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce responsive, non-privileged documents at a mutually convenient time and place upon entry of an appropriate protective order.

**REQUEST NO. 11:**

Final versions and the earliest available drafts of documents and things intended to be, actually sent to, or made available to students or teachers relating to Teachscape's "Problem Solving and Number & Operations, Grades K-5" course, such as course websites, DVDs, videos, video media files, CDs, audio media files, syllabi, course packets, study resources, articles, texts, course log-ins, quizzes, tests, course outlines, and grading keys.

**RESPONSE TO REQUEST NO. 11:**

Teachscape objects to this request on the grounds that it is generally vague and ambiguous and specifically vague and ambiguous as to the words and phrases "earliest available," "drafts," "intended to be," and "made available." Teachscape further objects to this request on the grounds that it is overly broad, unduly burdensome and oppressive. Teachscape further objects to this request on the ground that it calls for the production of confidential, proprietary and/or trade secret information of Teachscape, and Teachscape will not produce any such information

1 absent entry of an appropriate protective order. Teachscape also objects to this request to the  
2 extent it calls for the production of non-party(ies)' confidential, proprietary and/or trade secret  
3 information. Teachscape further objects to this request to the extent that it calls for the  
4 production of documents neither relevant to the subject matter of the pending action nor  
5 reasonably calculated to lead to the discovery of admissible evidence. Teachscape further  
6 objects to this request to the extent that it calls for the production of documents that are not in  
7 the possession, custody or control of Teachscape. Teachscape further objects to this request to  
8 the extent that it calls for the production of documents that are publicly available to Plaintiffs.  
9 Teachscape further objects to this request on the ground and to the extent that it is duplicative of  
10 other requests contained herein.

11 Subject to and without waiving the foregoing specific and general objections set forth  
12 above, Teachscape responds as follows:

13 Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce  
14 responsive, non-privileged documents at a mutually convenient time and place upon entry of an  
15 appropriate protective order.

16 **REQUEST NO. 12:**

17 Final versions and the earliest available drafts of documents and things intended to be,  
18 actually sent to, or made available to students or teachers relating to Teachscape's "Problem  
19 Solving and Number & Operations, Grades 6-8" course, such as course websites, DVDs, videos,  
20 video media files, CDs, audio media files, syllabi, course packets, study resources, articles, texts,  
21 course log-ins, quizzes, tests, course outlines, and grading keys.

22 **RESPONSE TO REQUEST NO. 12:**

23 Teachscape objects to this request on the grounds that it is generally vague and ambiguous  
24 and specifically vague and ambiguous as to the words and phrases "earliest available," "drafts,"  
25 "intended to be," and "made available." Teachscape further objects to this request on the  
26 grounds that it is overly broad, unduly burdensome and oppressive. Teachscape further objects  
27 to this request on the ground that it calls for the production of confidential, proprietary and/or  
28

1 trade secret information of Teachscape, and Teachscape will not produce any such information  
 2 absent entry of an appropriate protective order. Teachscape also objects to this request to the  
 3 extent it calls for the production of non-party(ies)' confidential, proprietary and/or trade secret  
 4 information. Teachscape further objects to this request to the extent that it calls for the  
 5 production of documents neither relevant to the subject matter of the pending action nor  
 6 reasonably calculated to lead to the discovery of admissible evidence. Teachscape further  
 7 objects to this request to the extent that it calls for the production of documents that are not in  
 8 the possession, custody or control of Teachscape. Teachscape further objects to this request to  
 9 the extent that it calls for the production of documents that are publicly available to Plaintiffs.  
 10 Teachscape further objects to this request on the ground and to the extent that it is duplicative of  
 11 other requests contained herein.

12 Subject to and without waiving the foregoing specific and general objections set forth  
 13 above, Teachscape responds as follows:

14 Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce  
 15 responsive, non-privileged documents at a mutually convenient time and place upon entry of an  
 16 appropriate protective order.

17 **REQUEST NO. 13:**

18 Final versions and the earliest available drafts of documents and things intended to be,  
 19 actually sent to, or made available to students or teachers relating to Teachscape's  
 20 "Measurement and Geometry, Grades K-5" course, such as course websites, DVDs, videos,  
 21 video media files, CDs, audio media files, syllabi, course packets, study resources, articles, texts,  
 22 course log-ins, quizzes, tests, course outlines, and grading keys.

23 **RESPONSE TO REQUEST NO. 13:**

24 Teachscape objects to this request on the grounds that it is generally vague and ambiguous  
 25 and specifically vague and ambiguous as to the words and phrases "earliest available," "drafts,"  
 26 "intended to be," and "made available." Teachscape further objects to this request on the  
 27 grounds that it is overly broad, unduly burdensome and oppressive. Teachscape further objects  
 28

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1 to this request on the ground that it calls for the production of confidential, proprietary and/or  
2 trade secret information of Teachscape, and Teachscape will not produce any such information  
3 absent entry of an appropriate protective order. Teachscape also objects to this request to the  
4 extent it calls for the production of non-party(ies)' confidential, proprietary and/or trade secret  
5 information. Teachscape further objects to this request to the extent that it calls for the  
6 production of documents neither relevant to the subject matter of the pending action nor  
7 reasonably calculated to lead to the discovery of admissible evidence. Teachscape further  
8 objects to this request to the extent that it calls for the production of documents that are not in  
9 the possession, custody or control of Teachscape. Teachscape further objects to this request to  
10 the extent that it calls for the production of documents that are publicly available to Plaintiffs.  
11 Teachscape further objects to this request on the ground and to the extent that it is duplicative of  
12 other requests contained herein.

13 Subject to and without waiving the foregoing specific and general objections set forth  
14 above, Teachscape responds as follows:

15 Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce  
16 responsive, non-privileged documents at a mutually convenient time and place upon entry of an  
17 appropriate protective order.

18 **REQUEST NO. 14:**

19 Final versions and the earliest available drafts of documents and things intended to be,  
20 actually sent to, or made available to students or teachers relating to Teachscape's  
21 "Measurement and Geometry, Grades 6-8" course, such as course websites, DVDs, videos,  
22 video media files, CDs, audio media files, syllabi, course packets, study resources, articles, texts,  
23 course log-ins, quizzes, tests, course outlines, and grading keys.

24 **RESPONSE TO REQUEST NO. 14:**

25 Teachscape objects to this request on the grounds that it is generally vague and ambiguous  
26 and specifically vague and ambiguous as to the words and phrases "earliest available," "drafts,"  
27 "intended to be," and "made available." Teachscape further objects to this request on the  
28

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grounds that it is overly broad, unduly burdensome and oppressive. Teachscape further objects to this request on the ground that it calls for the production of confidential, proprietary and/or trade secret information of Teachscape, and Teachscape will not produce any such information absent entry of an appropriate protective order. Teachscape also objects to this request to the extent it calls for the production of non-party(ies)' confidential, proprietary and/or trade secret information. Teachscape further objects to this request to the extent that it calls for the production of documents neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence. Teachscape further objects to this request to the extent that it calls for the production of documents that are not in the possession, custody or control of Teachscape. Teachscape further objects to this request to the extent that it calls for the production of documents that are publicly available to Plaintiffs. Teachscape further objects to this request on the ground and to the extent that it is duplicative of other requests contained herein.

Subject to and without waiving the foregoing specific and general objections set forth above, Teachscape responds as follows:

Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce responsive, non-privileged documents at a mutually convenient time and place upon entry of an appropriate protective order.

**REQUEST NO. 15:**

Final versions and the earliest available drafts of documents and things intended to be, actually sent to, or made available to students or teachers relating to Teachscape's "Algebra, Grades K-5" course, such as course websites, DVDs, videos, video media files, CDs, audio media files, syllabi, course packets, study resources, articles, texts, course log-ins, quizzes, tests, course outlines, and grading keys.

**RESPONSE TO REQUEST NO. 15:**

Teachscape objects to this request on the grounds that it is generally vague and ambiguous and specifically vague and ambiguous as to the words and phrases "earliest available," "drafts,"

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“intended to be,” and “made available.” Teachscape further objects to this request on the grounds that it is overly broad, unduly burdensome and oppressive. Teachscape further objects to this request on the ground that it calls for the production of confidential, proprietary and/or trade secret information of Teachscape, and Teachscape will not produce any such information absent entry of an appropriate protective order. Teachscape also objects to this request to the extent it calls for the production of non-party(ies)’ confidential, proprietary and/or trade secret information. Teachscape further objects to this request to the extent that it calls for the production of documents neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence. Teachscape further objects to this request to the extent that it calls for the production of documents that are not in the possession, custody or control of Teachscape. Teachscape further objects to this request to the extent that it calls for the production of documents that are publicly available to Plaintiffs. Teachscape further objects to this request on the ground and to the extent that it is duplicative of other requests contained herein.

Subject to and without waiving the foregoing specific and general objections set forth above, Teachscape responds as follows:

Should the Court deny Teachscape’s Motion To Dismiss, Teachscape will produce responsive, non-privileged documents at a mutually convenient time and place upon entry of an appropriate protective order.

**REQUEST NO. 16:**

Final versions and the earliest available drafts of documents and things intended to be, actually sent to, or made available to students or teachers relating to Teachscape’s “Algebra, Grades 6-8” course, such as course websites, DVDs, videos, video media files, CDs, audio media files, syllabi, course packets, study resources, articles, texts, course log-ins, quizzes, tests, course outlines, and grading keys.

**RESPONSE TO REQUEST NO. 16:**

Teachscape objects to this request on the grounds that it is generally vague and ambiguous



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and specifically vague and ambiguous as to the words and phrases "earliest available," "drafts," "intended to be," and "made available." Teachscape further objects to this request on the grounds that it is overly broad, unduly burdensome and oppressive. Teachscape further objects to this request on the ground that it calls for the production of confidential, proprietary and/or trade secret information of Teachscape, and Teachscape will not produce any such information absent entry of an appropriate protective order. Teachscape also objects to this request to the extent it calls for the production of non-party(ies)' confidential, proprietary and/or trade secret information. Teachscape further objects to this request to the extent that it calls for the production of documents neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence. Teachscape further objects to this request to the extent that it calls for the production of documents that are not in the possession, custody or control of Teachscape. Teachscape further objects to this request to the extent that it calls for the production of documents that are publicly available to Plaintiffs. Teachscape further objects to this request on the ground and to the extent that it is duplicative of other requests contained herein.

Subject to and without waiving the foregoing specific and general objections set forth above, Teachscape responds as follows:

Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce responsive, non-privileged documents at a mutually convenient time and place upon entry of an appropriate protective order.

**REQUEST NO. 17:**

Final versions and the earliest available drafts of documents and things intended to be, actually sent to, or made available to students or teachers relating to Teachscape's "Data Analysis and Probability, Grades K-5" course, such as course websites, DVDs, videos, video media files, CDs, audio media files, syllabi, course packets, study resources, articles, texts, course log-ins, quizzes, tests, course outlines, and grading keys.

**RESPONSE TO REQUEST NO. 17:**



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Teachscape objects to this request on the grounds that it is generally vague and ambiguous and specifically vague and ambiguous as to the words and phrases "earliest available," "drafts," "intended to be," and "made available." Teachscape further objects to this request on the grounds that it is overly broad, unduly burdensome and oppressive. Teachscape further objects to this request on the ground that it calls for the production of confidential, proprietary and/or trade secret information of Teachscape, and Teachscape will not produce any such information absent entry of an appropriate protective order. Teachscape also objects to this request to the extent it calls for the production of non-party(ies)' confidential, proprietary and/or trade secret information. Teachscape further objects to this request to the extent that it calls for the production of documents neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence. Teachscape further objects to this request to the extent that it calls for the production of documents that are not in the possession, custody or control of Teachscape. Teachscape further objects to this request to the extent that it calls for the production of documents that are publicly available to Plaintiffs. Teachscape further objects to this request on the ground and to the extent that it is duplicative of other requests contained herein.

Subject to and without waiving the foregoing specific and general objections set forth above, Teachscape responds as follows:

Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce responsive, non-privileged documents at a mutually convenient time and place upon entry of an appropriate protective order.

**REQUEST NO. 18:**

Final versions and the earliest available drafts of documents and things intended to be, actually sent to, or made available to students or teachers relating to Teachscape's "Data Analysis and Probability, Grades 6-8" course, such as course websites, DVDs, videos, video media files, CDs, audio media files, syllabi, course packets, study resources, articles, texts, course log-ins, quizzes, tests, course outlines, and grading keys.

**RESPONSE TO REQUEST NO. 18:**

Teachscape objects to this request on the grounds that it is generally vague and ambiguous and specifically vague and ambiguous as to the words and phrases "earliest available," "drafts," "intended to be," and "made available." Teachscape further objects to this request on the grounds that it is overly broad, unduly burdensome and oppressive. Teachscape further objects to this request on the ground that it calls for the production of confidential, proprietary and/or trade secret information of Teachscape, and Teachscape will not produce any such information absent entry of an appropriate protective order. Teachscape also objects to this request to the extent it calls for the production of non-party(ies)' confidential, proprietary and/or trade secret information. Teachscape further objects to this request to the extent that it calls for the production of documents neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence. Teachscape further objects to this request to the extent that it calls for the production of documents that are not in the possession, custody or control of Teachscape. Teachscape further objects to this request to the extent that it calls for the production of documents that are publicly available to Plaintiffs. Teachscape further objects to this request on the ground and to the extent that it is duplicative of other requests contained herein.

Subject to and without waiving the foregoing specific and general objections set forth above, Teachscape responds as follows:

Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce responsive, non-privileged documents at a mutually convenient time and place upon entry of an appropriate protective order.

**REQUEST NO. 19:**

Final versions and the earliest available drafts of documents and things intended to be, actually sent to, or made available to students or teachers relating to Teachscape's "Master in Art of Teaching with a Focus on Elementary Mathematics, Grades K-5" degree program offered through Marygrove, such as course websites, DVDs, videos, video media files, CDs, audio

media files, syllabi, course packets, study resources, articles, texts, course log-ins, quizzes, tests, course outlines, and grading keys.

**RESPONSE TO REQUEST NO. 19:**

Teachscape objects to this request on the grounds that it is generally vague and ambiguous and specifically vague and ambiguous as to the words and phrases "earliest available," "drafts," "intended to be," and "made available." Teachscape further objects to this request on the grounds that it is overly broad, unduly burdensome and oppressive. Teachscape further objects to this request on the ground that it calls for the production of confidential, proprietary and/or trade secret information of Teachscape, and Teachscape will not produce any such information absent entry of an appropriate protective order. Teachscape also objects to this request on the ground that it calls for the production of non-party(ies)' confidential, proprietary and/or trade secret information. Teachscape further objects to this request to the extent that it calls for the production of documents neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence. Teachscape further objects to this request to the extent that it calls for the production of documents that are not in the possession, custody or control of Teachscape. Teachscape further objects to this request to the extent that it calls for the production of documents that are publicly available to Plaintiffs. Teachscape further objects to this request on the ground and to the extent that it is duplicative of other requests contained herein.

Subject to and without waiving the foregoing specific and general objections set forth above, Teachscape responds as follows:

Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce responsive, non-privileged documents at a mutually convenient time and place upon entry of an appropriate protective order.

**REQUEST NO. 20:**

Final versions and the earliest available drafts of documents and things intended to be, actually sent to, or made available to students or teachers relating to Teachscape's "Master in Education in Mathematics, Grades K-5" degree program advertised in or around September 2006, such as course websites, DVDs, videos, video media files, CDs, audio media files, syllabi, course packets, study resources, articles, texts, course log-ins, quizzes, tests, course outlines, and grading keys.

**RESPONSE TO REQUEST NO. 20:**

Teachscape objects to this request on the grounds that it is generally vague and ambiguous and specifically vague and ambiguous as to the words and phrases "earliest available," "drafts," "intended to be," "made available" and "advertised." Teachscape also objects to this request to the extent it calls for speculation and lacks foundation. Teachscape further objects to this request on the grounds that it is overly broad, unduly burdensome and oppressive. Teachscape further objects to this request to the extent it calls for the production of confidential, proprietary and/or trade secret information of Teachscape, and Teachscape will not produce any such information absent entry of an appropriate protective order. Teachscape objects to this request on the ground that it calls for the production of non-party(ies)' confidential, proprietary and/or trade secret information. Teachscape further objects to this request on the ground that it calls for the production of documents neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence. Teachscape also objects to this request to the extent that it calls for the production of documents that are not in the possession, custody or control of Teachscape. Teachscape additionally objects to this request to the extent that it calls for the production of documents that are publicly available to Plaintiffs. Teachscape further objects to this request on the ground and to the extent that it is duplicative of other requests contained herein.

Subject to and without waiving the foregoing specific and general objections set forth above, Teachscape responds as follows:

1 Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce  
2 responsive, non-privileged documents at a mutually convenient time and place upon entry of an  
3 appropriate protective order.

4 **REQUEST NO. 21:**

5 Final versions and the earliest available drafts of documents and things intended to be,  
6 actually sent to, or made available to students or teachers relating to Teachscape's "Master in  
7 Art of Teaching with a Focus on Mathematics, Grades 6-8" degree program offered through  
8 Marygrove, such as course websites, DVDs, videos, video media files, CDs, audio media files,  
9 syllabi, course packets, study resources, articles, texts, course log-ins, quizzes, tests, course  
10 outlines, and grading keys.

11 **RESPONSE TO REQUEST NO. 21:**

12 Teachscape objects to this request on the grounds that it is generally vague and ambiguous  
13 and specifically vague and ambiguous as to the words and phrases "earliest available," "drafts,"  
14 "intended to be," and "made available." Teachscape further objects to this request on the  
15 grounds that it is overly broad, unduly burdensome and oppressive. Teachscape further objects  
16 to this request on the ground that it calls for the production of confidential, proprietary and/or  
17 trade secret information of Teachscape, and Teachscape will not produce any such information  
18 absent entry of an appropriate protective order. Teachscape also objects to this request on the  
19 ground that it calls for the production of non-party(ies)' confidential, proprietary and/or trade  
20 secret information. Teachscape further objects to this request to the extent that it calls for the  
21 production of documents neither relevant to the subject matter of the pending action nor  
22 reasonably calculated to lead to the discovery of admissible evidence. Teachscape further  
23 objects to this request to the extent that it calls for the production of documents that are not in  
24 the possession, custody or control of Teachscape. Teachscape further objects to this request to  
25 the extent that it calls for the production of documents that are publicly available to Plaintiffs.  
26 Teachscape further objects to this request on the ground and to the extent that it is duplicative of  
27 other requests contained herein.  
28

1 Subject to and without waiving the foregoing specific and general objections set forth  
2 above, Teachscape responds as follows:

3 Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce  
4 responsive, non-privileged documents at a mutually convenient time and place upon entry of an  
5 appropriate protective order.

6 **REQUEST NO. 22:**

7 Final versions and the earliest available drafts of documents and things intended to be,  
8 actually sent to, or made available to students or teachers relating to Teachscape's "Master in  
9 Education in Mathematics, Grades 6-8" degree program advertised in or around September  
10 2006, such as course websites, DVDs, videos, video media files, CDs, audio media files, syllabi,  
11 course packets, study resources, articles, texts, course log-ins, quizzes, tests, course outlines, and  
12 grading keys.

13 **RESPONSE TO REQUEST NO. 22:**

14 Teachscape objects to this request on the grounds that it is generally vague and ambiguous  
15 and specifically vague and ambiguous as to the words and phrases "earliest available," "drafts,"  
16 "intended to be," "made available" and "advertised." Teachscape also objects to this request to  
17 the extent it calls for speculation and lacks foundation. Teachscape further objects to this  
18 request on the grounds that it is overly broad, unduly burdensome and oppressive. Teachscape  
19 further objects to this request to the extent it calls for the production of confidential, proprietary  
20 and/or trade secret information of Teachscape, and Teachscape will not produce any such  
21 information absent entry of an appropriate protective order. Teachscape objects to this request  
22 on the ground that it calls for the production of non-party(ies)' confidential, proprietary and/or  
23 trade secret information. Teachscape further objects to this request on the ground that it calls for  
24 the production of documents neither relevant to the subject matter of the pending action nor  
25 reasonably calculated to lead to the discovery of admissible evidence. Teachscape also objects  
26 to this request to the extent that it calls for the production of documents that are not in the  
27 possession, custody or control of Teachscape. Teachscape additionally objects to this request to  
28



1 the extent that it calls for the production of documents that are publicly available to Plaintiffs.  
 2 Teachscape further objects to this request on the ground and to the extent that it is duplicative of  
 3 other requests contained herein.

4 Subject to and without waiving the foregoing specific and general objections set forth  
 5 above, Teachscape responds as follows:

6 Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce  
 7 responsive, non-privileged documents at a mutually convenient time and place upon entry of an  
 8 appropriate protective order.

9 **REQUEST NO. 23:**

10 Final versions and the earliest available drafts of documents and things intended to be,  
 11 actually sent to, or made available to students or teachers relating to Teachscape's "Master in the  
 12 Art of Teaching with a Focus on Curriculum, Instruction & Assessment" degree program  
 13 advertised in or around September 2006, such as course websites, DVDs, videos, video media  
 14 files, CDs, audio media files, syllabi, course packets, study resources, articles, texts, course log-  
 15 ins, quizzes, tests, course outlines, and grading keys.

16 **RESPONSE TO REQUEST NO. 23:**

17 Teachscape objects to this request on the grounds that it is generally vague and ambiguous  
 18 and specifically vague and ambiguous as to the words and phrases "earliest available," "drafts,"  
 19 "intended to be," "made available" and "advertised." Teachscape also objects to this request to  
 20 the extent it calls for speculation and lacks foundation. Teachscape further objects to this  
 21 request on the grounds that it is overly broad, unduly burdensome and oppressive. Teachscape  
 22 further objects to this request to the extent it calls for the production of confidential, proprietary  
 23 and/or trade secret information of Teachscape, and Teachscape will not produce any such  
 24 information absent entry of an appropriate protective order. Teachscape objects to this request  
 25 on the ground that it calls for the production of non-party(ies)' confidential, proprietary and/or  
 26 trade secret information. Teachscape further objects to this request on the ground that it calls for  
 27 the production of documents neither relevant to the subject matter of the pending action nor  
 28



1 reasonably calculated to lead to the discovery of admissible evidence. Teachscape also objects  
 2 to this request to the extent that it calls for the production of documents that are not in the  
 3 possession, custody or control of Teachscape. Teachscape additionally objects to this request to  
 4 the extent that it calls for the production of documents that are publicly available to Plaintiffs.  
 5 Teachscape further objects to this request on the ground and to the extent that it is duplicative of  
 6 other requests contained herein.

7 Subject to and without waiving the foregoing specific and general objections set forth  
 8 above, Teachscape responds as follows:

9 Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce  
 10 responsive, non-privileged documents at a mutually convenient time and place upon entry of an  
 11 appropriate protective order.

12 **REQUEST NO. 24:**

13 All documents and things relating to the advertisement, promotion, and marketing of  
 14 Teachscape's "Master in the Art of Teaching with a Focus on Curriculum, Instruction &  
 15 Assessment" degree program advertised in or around September 2006, such as flyers, pamphlets,  
 16 circulars, newsletters, posters, video advertisements, audio advertisements, click-through  
 17 advertisements, web site links, web sites, marketing plans, marketing budgets, mailing lists, e-  
 18 mailing lists, responses to inquiries, and promotional scripts.

19 **RESPONSE TO REQUEST NO. 24:**

20 Teachscape objects to this request on the grounds that it is generally vague and ambiguous  
 21 and specifically vague and ambiguous as to the words "advertisement," "promotion,"  
 22 "marketing" and "advertised" and to the extent it calls for a legal conclusion. Teachscape also  
 23 objects to this request to the extent it calls for speculation and lacks foundation. Teachscape  
 24 further objects to this request on the grounds that it is overly broad, unduly burdensome and  
 25 oppressive. Teachscape further objects to this request to the extent it calls for the production of  
 26 documents protected by the attorney-client privilege, work product doctrine or other applicable  
 27 privilege or protection. Teachscape further objects to this request to the extent that it calls for  
 28

1 the production of confidential, proprietary and/or trade secret information of Teachscape and/or  
 2 Marygrove, and Teachscape will not produce such information absent entry of an appropriate  
 3 protective order and subject to Marygrove's consent. Teachscape further objects to this request  
 4 on the ground that it calls for the production of documents neither relevant to the subject matter  
 5 of the pending action nor reasonably calculated to lead to the discovery of admissible evidence.  
 6 Teachscape further objects to this request to the extent that it calls for the production of  
 7 documents that are publicly available to Plaintiffs. Teachscape further objects to this request on  
 8 the ground and to the extent that it is duplicative of other requests.

9 Subject to and without waiving the foregoing specific and general objections set forth  
 10 above, Teachscape responds as follows:

11 Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce  
 12 responsive, non-privileged documents at a mutually convenient time and place upon entry of an  
 13 appropriate protective order.

14 **REQUEST NO. 25:**

15 All documents and things relating to the advertisement, promotion, and marketing of  
 16 Teachscape's "Master in Education in Reading & Literacy, K-6" degree program advertised in  
 17 or around September 2006, such as flyers, pamphlets, circulars, newsletters, posters, video  
 18 advertisements, audio advertisements, click-through advertisements, web site links, web sites,  
 19 marketing plans, marketing budgets, mailing lists, e-mailing lists, responses to inquiries, and  
 20 promotional scripts.

21 **RESPONSE TO REQUEST NO. 25:**

22 Teachscape objects to this request on the grounds that it is generally vague and ambiguous  
 23 and specifically vague and ambiguous as to the words "advertisement," "promotion,"  
 24 "marketing" and "advertised" and to the extent it calls for a legal conclusion. Teachscape also  
 25 objects to this request to the extent it calls for speculation and lacks foundation. Teachscape  
 26 further objects to this request on the grounds that it is overly broad, unduly burdensome and  
 27 oppressive. Teachscape further objects to this request to the extent it calls for the production of  
 28

1 documents protected by the attorney-client privilege, work product doctrine or other applicable  
 2 privilege or protection. Teachscape further objects to this request to the extent that it calls for  
 3 the production of confidential, proprietary and/or trade secret information of Teachscape and/or  
 4 Marygrove, and Teachscape will not produce such information absent entry of an appropriate  
 5 protective order and subject to Marygrove's consent. Teachscape further objects to this request  
 6 on the ground that it calls for the production of documents neither relevant to the subject matter  
 7 of the pending action nor reasonably calculated to lead to the discovery of admissible evidence.  
 8 Teachscape further objects to this request to the extent that it calls for the production of  
 9 documents that are publicly available to Plaintiffs. Teachscape further objects to this request on  
 10 the ground and to the extent that it is duplicative of other requests.

11 Subject to and without waiving the foregoing specific and general objections set forth  
 12 above, Teachscape responds as follows:

13 Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce  
 14 responsive, non-privileged documents at a mutually convenient time and place upon entry of an  
 15 appropriate protective order.

16 **REQUEST NO. 26:**

17 All documents and things relating to the advertisement, promotion, and marketing of  
 18 Teachscape's "Master in Education in Mathematics, Grades K-5" degree program advertised in  
 19 or around September 2006, such as flyers, pamphlets, circulars, newsletters, posters, video  
 20 advertisements, audio advertisements, click-through advertisements, web site links, web sites,  
 21 marketing plans, marketing budgets, mailing lists, e-mailing lists, responses to inquiries, and  
 22 promotional scripts.

23 **RESPONSE TO REQUEST NO. 26:**

24 Teachscape objects to this request on the grounds that it is generally vague and ambiguous  
 25 and specifically vague and ambiguous as to the words "advertisement," "promotion,"  
 26 "marketing" and "advertised" and to the extent it calls for a legal conclusion. Teachscape also  
 27 objects to this request to the extent it calls for speculation and lacks foundation. Teachscape  
 28

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1 further objects to this request on the grounds that it is overly broad, unduly burdensome and  
2 oppressive. Teachscape further objects to this request to the extent it calls for the production of  
3 documents protected by the attorney-client privilege, work product doctrine or other applicable  
4 privilege or protection. Teachscape further objects to this request to the extent that it calls for  
5 the production of confidential, proprietary and/or trade secret information of Teachscape and/or  
6 Marygrove, and Teachscape will not produce such information absent entry of an appropriate  
7 protective order and subject to Marygrove's consent. Teachscape further objects to this request  
8 on the ground that it calls for the production of documents neither relevant to the subject matter  
9 of the pending action nor reasonably calculated to lead to the discovery of admissible evidence.  
10 Teachscape further objects to this request to the extent that it calls for the production of  
11 documents that are publicly available to Plaintiffs. Teachscape further objects to this request on  
12 the ground and to the extent that it is duplicative of other requests.

13 Subject to and without waiving the foregoing specific and general objections set forth  
14 above, Teachscape responds as follows:

15 Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce  
16 responsive, non-privileged documents at a mutually convenient time and place upon entry of an  
17 appropriate protective order.

18 **REQUEST NO. 27:**

19 All documents and things relating to the advertisement, promotion, and marketing of  
20 Teachscape's "Master in Education in Mathematics, Grades 6-8" degree program advertised in  
21 or around September 2006, such as flyers, pamphlets, circulars, newsletters, posters, video  
22 advertisements, audio advertisements, click-through advertisements, web site links, web sites,  
23 marketing plans, marketing budgets, mailing lists, e-mailing lists, responses to inquiries, and  
24 promotional scripts.

25 **RESPONSE TO REQUEST NO. 27:**

26 Teachscape objects to this request on the grounds that it is generally vague and ambiguous  
27 and specifically vague and ambiguous as to the words "advertisement," "promotion,"  
28

SONNENSCHN NATH & ROSENTHAL LLP  
525 MARKET STREET, 26<sup>TH</sup> FLOOR  
SAN FRANCISCO, CALIFORNIA 94105-2708  
(415) 882-5000

“marketing” and “advertised” and to the extent it calls for a legal conclusion. Teachscape also objects to this request to the extent it calls for speculation and lacks foundation. Teachscape further objects to this request on the grounds that it is overly broad, unduly burdensome and oppressive. Teachscape further objects to this request to the extent it calls for the production of documents protected by the attorney-client privilege, work product doctrine or other applicable privilege or protection. Teachscape further objects to this request to the extent that it calls for the production of confidential, proprietary and/or trade secret information of Teachscape and/or Marygrove, and Teachscape will not produce such information absent entry of an appropriate protective order and subject to Marygrove’s consent. Teachscape further objects to this request on the ground that it calls for the production of documents neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence. Teachscape further objects to this request to the extent that it calls for the production of documents that are publicly available to Plaintiffs. Teachscape further objects to this request on the ground and to the extent that it is duplicative of other requests.

Subject to and without waiving the foregoing specific and general objections set forth above, Teachscape responds as follows:

Should the Court deny Teachscape’s Motion To Dismiss, Teachscape will produce responsive, non-privileged documents at a mutually convenient time and place upon entry of an appropriate protective order.

**REQUEST NO. 28:**

All documents and things relating to the advertisement, promotion, and marketing of Teachscape’s “Master in Art of Teaching with a Focus on Elementary Reading & Literacy K-6” degree program offered through Marygrove, such as flyers, pamphlets, circulars, newsletters, posters, video advertisements, audio advertisements, click-through advertisements, web site links, web sites, marketing plans, marketing budgets, mailing lists, e-mailing lists, responses to inquiries, and promotional scripts.

**RESPONSE TO REQUEST NO. 28:**

SONNENSCHEN NATH & ROSENTHAL LLP  
525 MARKET STREET, 26<sup>TH</sup> FLOOR  
SAN FRANCISCO, CALIFORNIA 94105-2708  
(415) 882-5000

Teachscape objects to this request on the grounds that it is generally vague and ambiguous and specifically vague and ambiguous as to the words "advertisement," "promotion," "marketing" and "advertised" and to the extent it calls for a legal conclusion. Teachscape also objects to this request to the extent it calls for speculation and lacks foundation. Teachscape further objects to this request on the grounds that it is overly broad, unduly burdensome and oppressive. Teachscape further objects to this request to the extent it calls for the production of documents protected by the attorney-client privilege, work product doctrine or other applicable privilege or protection. Teachscape further objects to this request to the extent that it calls for the production of confidential, proprietary and/or trade secret information of Teachscape and/or Marygrove, and Teachscape will not produce such information absent entry of an appropriate protective order and subject to Marygrove's consent. Teachscape further objects to this request on the ground that it calls for the production of documents neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence. Teachscape further objects to this request to the extent that it calls for the production of documents that are publicly available to Plaintiffs. Teachscape further objects to this request on the ground and to the extent that it is duplicative of other requests.

Subject to and without waiving the foregoing specific and general objections set forth above, Teachscape responds as follows:

Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce responsive, non-privileged documents at a mutually convenient time and place upon entry of an appropriate protective order.

**REQUEST NO. 29:**

All documents and things relating to the advertisement, promotion, and marketing of Teachscape's "Master in Art of Teaching with a Focus on Elementary Mathematics, Grades K-5" degree program offered through Marygrove, such as flyers, pamphlets, circulars, newsletters, posters, video advertisements, audio advertisements, click-through advertisements, web site



1 links, web sites, marketing plans, marketing budgets, mailing lists, e-mailing lists, responses to  
2 inquiries, and promotional scripts.

3 **RESPONSE TO REQUEST NO. 29:**

4 Teachscape objects to this request on the grounds that it is generally vague and ambiguous  
5 and specifically vague and ambiguous as to the words "advertisement," "promotion,"  
6 "marketing" and "advertised" and to the extent it calls for a legal conclusion. Teachscape also  
7 objects to this request to the extent it calls for speculation and lacks foundation. Teachscape  
8 further objects to this request on the grounds that it is overly broad, unduly burdensome and  
9 oppressive. Teachscape further objects to this request to the extent it calls for the production of  
10 documents protected by the attorney-client privilege, work product doctrine or other applicable  
11 privilege or protection. Teachscape further objects to this request to the extent that it calls for  
12 the production of confidential, proprietary and/or trade secret information of Teachscape and/or  
13 Marygrove, and Teachscape will not produce such information absent entry of an appropriate  
14 protective order and subject to Marygrove's consent. Teachscape further objects to this request  
15 on the ground that it calls for the production of documents neither relevant to the subject matter  
16 of the pending action nor reasonably calculated to lead to the discovery of admissible evidence.  
17 Teachscape further objects to this request to the extent that it calls for the production of  
18 documents that are publicly available to Plaintiffs. Teachscape further objects to this request on  
19 the ground and to the extent that it is duplicative of other requests.

20 Subject to and without waiving the foregoing specific and general objections set forth  
21 above, Teachscape responds as follows:

22 Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce  
23 responsive, non-privileged documents at a mutually convenient time and place upon entry of an  
24 appropriate protective order.

25 **REQUEST NO. 30:**

26 All documents and things relating to the advertisement, promotion, and marketing of  
27 Teachscape's "Master in Art of Teaching with a Focus on Mathematics, Grades 6-8" degree  
28



1 program offered through Marygrove, such as flyers, pamphlets, circulars, newsletters, posters,  
 2 video advertisements, audio advertisements, click-through advertisements, web site links, web  
 3 sites, marketing plans, marketing budgets, mailing lists, e-mailing lists, responses to inquiries,  
 4 and promotional scripts.

5 **RESPONSE TO REQUEST NO. 30:**

6 Teachscape objects to this request on the grounds that it is generally vague and ambiguous  
 7 and specifically vague and ambiguous as to the words "advertisement," "promotion,"  
 8 "marketing" and "advertised" and to the extent it calls for a legal conclusion. Teachscape also  
 9 objects to this request to the extent it calls for speculation and lacks foundation. Teachscape  
 10 further objects to this request on the grounds that it is overly broad, unduly burdensome and  
 11 oppressive. Teachscape further objects to this request to the extent it calls for the production of  
 12 documents protected by the attorney-client privilege, work product doctrine or other applicable  
 13 privilege or protection. Teachscape further objects to this request to the extent that it calls for  
 14 the production of confidential, proprietary and/or trade secret information of Teachscape and/or  
 15 Marygrove, and Teachscape will not produce such information absent entry of an appropriate  
 16 protective order and subject to Marygrove's consent. Teachscape further objects to this request  
 17 on the ground that it calls for the production of documents neither relevant to the subject matter  
 18 of the pending action nor reasonably calculated to lead to the discovery of admissible evidence.  
 19 Teachscape further objects to this request to the extent that it calls for the production of  
 20 documents that are publicly available to Plaintiffs. Teachscape further objects to this request on  
 21 the ground and to the extent that it is duplicative of other requests.

22 Subject to and without waiving the foregoing specific and general objections set forth  
 23 above, Teachscape responds as follows:

24 Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce  
 25 responsive, non-privileged documents at a mutually convenient time and place upon entry of an  
 26 appropriate protective order.

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**REQUEST NO. 32:**

All documents Teachscape provided to, or prepared to provide to, Marygrove promoting, advertising, or recommending a collaboration between Teachscape and Marygrove relating to master's degree programs or graduate course programs.

**RESPONSE TO REQUEST NO. 32:**

Teachscape objects to this request on the grounds that it is generally vague and ambiguous and specifically vague and ambiguous as to the words and phrase "provided," "prepared to provide," "promoting," "advertising," "recommending" and "collaboration." Teachscape further objects to this request on the grounds that it is overly broad, unduly burdensome and oppressive. Teachscape further objects to this request to the extent it calls for the production of documents protected by the attorney-client privilege, work product doctrine or other applicable privilege or protection. Teachscape further objects to this request on the ground that it calls for the production of confidential, proprietary and/or trade secret information of Teachscape and/or Marygrove, and Teachscape will not produce any such information absent entry of an appropriate protective order and subject to Marygrove's consent. Teachscape further objects to this request on the ground that it calls for the production of documents neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence. Teachscape further objects to this request to the extent that it calls for the production of documents that are not in the possession, custody or control of Teachscape. Teachscape further objects to this request on the ground and to the extent that it is duplicative of other requests.

Subject to and without waiving the foregoing specific and general objections set forth above, Teachscape responds as follows:

Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce responsive, non-privileged documents at a mutually convenient time and place upon entry of an appropriate protective order.

**REQUEST NO. 33:**

All communications between Teachscape and Marygrove relating to a potential master's degree program or graduate course program collaboration between Teachscape and Marygrove.

**RESPONSE TO REQUEST NO. 33:**

Teachscape objects to this request on the grounds that it is generally vague and ambiguous and specifically vague and ambiguous as to the words "potential" and "collaboration."

Teachscape further objects to this request on the grounds that it is overly broad, unduly burdensome and oppressive. Teachscape further objects to this request to the extent it calls for the production of documents protected by the attorney-client privilege, work product doctrine or other applicable privilege or protection. Teachscape further objects to this request to the extent it calls for the production of confidential, proprietary and/or trade secret information of Teachscape and/or Marygrove, and Teachscape will not produce any such information absent entry of an appropriate protective order and subject to Marygrove's consent. Teachscape further objects to this request on the ground that it calls for the production of documents neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence. Teachscape further objects to this request to the extent that it calls for the production of documents that are not in the possession, custody or control of Teachscape. Teachscape further objects to this request on the ground and to the extent that it is duplicative of other requests.

Subject to and without waiving the foregoing specific and general objections set forth above, Teachscape responds as follows:

Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce responsive, non-privileged documents at a mutually convenient time and place upon entry of an appropriate protective order.

**REQUEST NO. 34:**

Final versions and the earliest available drafts of documents and things intended to be, actually sent to, or made available to students or teachers relating to Teachscape's "Research-

1 Based Strategies for Improving Reading Success" graduate course program, such as course  
 2 websites, DVDs, videos, video media files, CDs, audio media files, syllabi, course packets,  
 3 study resources, articles, texts, course log-ins, quizzes, tests, course outlines, and grading keys.

4 **RESPONSE TO REQUEST NO. 34:**

5 Teachscape objects to this request on the grounds that it is generally vague and ambiguous  
 6 and specifically vague and ambiguous as to the words and phrases "earliest available," "drafts,"  
 7 "intended to be," and "made available." Teachscape further objects to this request on the  
 8 grounds that it is overly broad, unduly burdensome and oppressive. Teachscape further objects  
 9 to this request on the ground that it calls for the production of confidential, proprietary and/or  
 10 trade secret information of Teachscape, and Teachscape will not produce any such information  
 11 absent entry of an appropriate protective order. Teachscape also objects to this request to the  
 12 extent it calls for the production of non-party(ies)' confidential, proprietary and/or trade secret  
 13 information. Teachscape further objects to this request to the extent that it calls for the  
 14 production of documents neither relevant to the subject matter of the pending action nor  
 15 reasonably calculated to lead to the discovery of admissible evidence. Teachscape further  
 16 objects to this request to the extent that it calls for the production of documents that are not in  
 17 the possession, custody or control of Teachscape. Teachscape further objects to this request to  
 18 the extent that it calls for the production of documents that are publicly available to Plaintiffs.  
 19 Teachscape further objects to this request on the ground and to the extent that it is duplicative of  
 20 other requests contained herein.

21 Subject to and without waiving the foregoing specific and general objections set forth  
 22 above, Teachscape responds as follows:

23 Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce  
 24 responsive, non-privileged documents at a mutually convenient time and place upon entry of an  
 25 appropriate protective order.

**REQUEST NO. 35:**

All documents and things relating to the advertisement, promotion, and marketing of Teachscape's "Research-Based Strategies for Improving Reading Success" graduate course program, such as flyers, pamphlets, circulars, newsletters, posters, video advertisements, audio advertisements, click-through advertisements, web site links, web sites, marketing plans, marketing budgets, mailing lists, e-mailing lists, responses to inquiries, and promotional scripts.

**RESPONSE TO REQUEST NO. 35:**

Teachscape objects to this request on the grounds that it is generally vague and ambiguous and specifically vague and ambiguous as to the words "advertisement," "promotion" and "marketing." Teachscape further objects to this request on the grounds that it is overly broad, unduly burdensome and oppressive. Teachscape further objects to this request to the extent it calls for the production of documents protected by the attorney-client privilege, work product doctrine or other applicable privilege or protection. Teachscape further objects to this request to the extent it calls for the production of confidential, proprietary and/or trade secret information of Teachscape, and Teachscape will not produce any such information absent entry of an appropriate protective order. Teachscape also objects to this request on the ground that it calls for the production of non-party(ies)' confidential, proprietary and/or trade secret information. Teachscape further objects to this request on the ground that it calls for the production of documents neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence. Teachscape additionally objects to this request to the extent that it calls for the production of documents that are publicly available to Plaintiffs. Teachscape further objects to this request on the ground and to the extent that it is duplicative of other requests.

Subject to and without waiving the foregoing specific and general objections set forth above, Teachscape responds as follows:

Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce responsive, non-privileged documents at a mutually convenient time and place upon entry of an



appropriate protective order.

**REQUEST NO. 36:**

Final versions and the earliest available drafts of documents and things intended to be, actually sent to, or made available to students or teachers relating to Teachscape's "Fundamentals of Mathematics: Teaching for Conceptual Understanding" graduate course program, such as course websites, DVDs, videos, video media files, CDs, audio media files, syllabi, course packets, study resources, articles, texts, course log-ins, quizzes, tests, course outlines, and grading keys.

**RESPONSE TO REQUEST NO. 36:**

Teachscape objects to this request on the grounds that it is generally vague and ambiguous and specifically vague and ambiguous as to the words and phrases "earliest available," "intended to be," and "made available." Teachscape further objects to this request on the grounds that it is overly broad, unduly burdensome and oppressive. Teachscape further objects to this request on the ground that it calls for the production of confidential, proprietary and/or trade secret information of Teachscape, and Teachscape will not produce any such information absent entry of an appropriate protective order. Teachscape objects to this request on the ground that it calls for the production of non-party(ies)' confidential, proprietary and/or trade secret information. Teachscape further objects to this request on the ground that it calls for the production of documents neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence. Teachscape further objects to this request to the extent that it calls for the production of documents that are not in the possession, custody or control of Teachscape. Teachscape further objects to this request to the extent that it calls for the production of documents that are publicly available to Plaintiffs. Teachscape further objects to this request on the ground and to the extent that it is duplicative of other requests contained herein.

Subject to and without waiving the foregoing specific and general objections set forth above, Teachscape responds as follows:



Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce responsive, non-privileged documents at a mutually convenient time and place upon entry of an appropriate protective order.

**REQUEST NO. 37:**

All documents and things relating to the advertisement, promotion, and marketing of Teachscape's "Fundamentals of Mathematics: Teaching for Conceptual Understanding" graduate course program, such as flyers, pamphlets, circulars, newsletters, posters, video advertisements, audio advertisements, click-through advertisements, web site links, web sites, marketing plans, marketing budgets, mailing lists, e-mailing lists, responses to inquiries, and promotional scripts.

**RESPONSE TO REQUEST NO. 37:**

Teachscape objects to this request on the grounds that it is generally vague and ambiguous and specifically vague and ambiguous as to the words "advertisement," "promotion" and "marketing." Teachscape further objects to this request on the grounds that it is overly broad, unduly burdensome and oppressive. Teachscape further objects to this request to the extent it calls for the production of documents protected by the attorney-client privilege, work product doctrine or other applicable privilege or protection. Teachscape further objects to this request to the extent it calls for the production of confidential, proprietary and/or trade secret information of Teachscape, and Teachscape will not produce any such information absent entry of an appropriate protective order. Teachscape also objects to this request on the ground that it calls for the production of non-party(ies)' confidential, proprietary and/or trade secret information. Teachscape further objects to this request on the ground that it calls for the production of documents neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence. Teachscape additionally objects to this request to the extent that it calls for the production of documents that are publicly available to Plaintiffs. Teachscape further objects to this request on the ground and to the extent that it is duplicative of other requests.

1 Subject to and without waiving the foregoing specific and general objections set forth  
2 above, Teachscape responds as follows:

3 Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce  
4 responsive, non-privileged documents at a mutually convenient time and place upon entry of an  
5 appropriate protective order.

6 **REQUEST NO. 38:**

7 Final versions and the earliest available drafts of documents and things intended to be,  
8 actually sent to, or made available to students or teachers relating to Teachscape's "Research-  
9 Based Instructional Strategies to Improve Student Achievement" graduate course program, such  
10 as course websites, DVDs, videos, video media files, CDs, audio media files, syllabi, course  
11 packets, study resources, articles, texts, course log-ins, quizzes, tests, course outlines, and  
12 grading keys.

13 **RESPONSE TO REQUEST NO. 38:**

14 Teachscape objects to this request on the grounds that it is generally vague and ambiguous  
15 and specifically vague and ambiguous as to the words and phrases "earliest available," "intended  
16 to be," and "made available." Teachscape further objects to this request on the grounds that it is  
17 overly broad, unduly burdensome and oppressive. Teachscape further objects to this request on  
18 the ground that it calls for the production of confidential, proprietary and/or trade secret  
19 information of Teachscape, and Teachscape will not produce any such information absent entry  
20 of an appropriate protective order. Teachscape objects to this request on the ground that it calls  
21 for the production of non-party(ies)' confidential, proprietary and/or trade secret information.  
22 Teachscape further objects to this request on the ground that it calls for the production of  
23 documents neither relevant to the subject matter of the pending action nor reasonably calculated  
24 to lead to the discovery of admissible evidence. Teachscape further objects to this request to the  
25 extent that it calls for the production of documents that are not in the possession, custody or  
26 control of Teachscape. Teachscape further objects to this request to the extent that it calls for  
27 the production of documents that are publicly available to Plaintiffs. Teachscape further objects  
28

1 to this request on the ground and to the extent that it is duplicative of other requests contained  
2 herein.

3 Subject to and without waiving the foregoing specific and general objections set forth  
4 above, Teachscape responds as follows:

5 Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce  
6 responsive, non-privileged documents at a mutually convenient time and place upon entry of an  
7 appropriate protective order.

8 **REQUEST NO. 39:**

9 All documents and things relating to the advertisement, promotion, and marketing of  
10 Teachscape's "Research-Based Instructional Strategies to Improve Student Achievement"  
11 graduate course program, such as flyers, pamphlets, circulars, newsletters, posters, video  
12 advertisements, audio advertisements, click-through advertisements, web site links, web sites,  
13 marketing plans, marketing budgets, mailing lists, e-mailing lists, responses to inquiries, and  
14 promotional scripts.

15 **RESPONSE TO REQUEST NO. 39:**

16 Teachscape objects to this request on the grounds that it is generally vague and ambiguous  
17 and specifically vague and ambiguous as to the words "advertisement," "promotion" and  
18 "marketing." Teachscape further objects to this request on the grounds that it is overly broad,  
19 unduly burdensome and oppressive. Teachscape further objects to this request to the extent it  
20 calls for the production of documents protected by the attorney-client privilege, work product  
21 doctrine or other applicable privilege or protection. Teachscape further objects to this request to  
22 the extent it calls for the production of confidential, proprietary and/or trade secret information  
23 of Teachscape, and Teachscape will not produce any such information absent entry of an  
24 appropriate protective order. Teachscape also objects to this request on the ground that it calls  
25 for the production of non-party(ies)' confidential, proprietary and/or trade secret information.  
26 Teachscape further objects to this request on the ground that it calls for the production of  
27 documents neither relevant to the subject matter of the pending action nor reasonably calculated  
28

1 to lead to the discovery of admissible evidence. Teachscape additionally objects to this request  
 2 to the extent that it calls for the production of documents that are publicly available to Plaintiffs.  
 3 Teachscape further objects to this request on the ground and to the extent that it is duplicative of  
 4 other requests.

5 Subject to and without waiving the foregoing specific and general objections set forth  
 6 above, Teachscape responds as follows:

7 Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce  
 8 responsive, non-privileged documents at a mutually convenient time and place upon entry of an  
 9 appropriate protective order.

10 **REQUEST NO. 40:**

11 Final versions and the earliest available drafts of documents and things intended to be,  
 12 actually sent to, or made available to students or teachers relating to Teachscape's graduate  
 13 course programs, such as course websites, DVDs, videos, video media files, CDs, audio media  
 14 files, syllabi, course packets, study resources, articles, texts, course log-ins, quizzes, tests, course  
 15 outlines, and grading keys.

16 **RESPONSE TO REQUEST NO. 40:**

17 Teachscape objects to this request on the grounds that it is generally vague and ambiguous  
 18 and specifically vague and ambiguous as to the words and phrases "earliest available," "intended  
 19 to be," and "made available." Teachscape further objects to this request on the grounds that it is  
 20 overly broad, unduly burdensome and oppressive. Teachscape further objects to this request on  
 21 the ground that it calls for the production of confidential, proprietary and/or trade secret  
 22 information of Teachscape, and Teachscape will not produce any such information absent entry  
 23 of an appropriate protective order. Teachscape objects to this request on the ground that it calls  
 24 for the production of non-party(ies)' confidential, proprietary and/or trade secret information.  
 25 Teachscape further objects to this request on the ground that it calls for the production of  
 26 documents neither relevant to the subject matter of the pending action nor reasonably calculated  
 27 to lead to the discovery of admissible evidence. Teachscape further objects to this request to the  
 28

1 extent that it calls for the production of documents that are not in the possession, custody or  
 2 control of Teachscape. Teachscape further objects to this request to the extent that it calls for  
 3 the production of documents that are publicly available to Plaintiffs. Teachscape further objects  
 4 to this request on the ground and to the extent that it is duplicative of other requests contained  
 5 herein.

6 Subject to and without waiving the foregoing specific and general objections set forth  
 7 above, Teachscape responds as follows:

8 Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce  
 9 responsive, non-privileged documents at a mutually convenient time and place upon entry of an  
 10 appropriate protective order.

11 **REQUEST NO. 41:**

12 All documents and things relating to the advertisement, promotion, and marketing of  
 13 Teachscape's graduate course programs, such as flyers, pamphlets, circulars, newsletters,  
 14 posters, video advertisements, audio advertisements, click-through advertisements, web site  
 15 links, web sites, marketing plans, marketing budgets, mailing lists, e-mailing lists, responses to  
 16 inquiries, and promotional scripts.

17 **RESPONSE TO REQUEST NO. 41:**

18 Teachscape objects to this request on the grounds that it is generally vague and ambiguous  
 19 and specifically vague and ambiguous as to the words "advertisement," "promotion" and  
 20 "marketing." Teachscape further objects to this request on the grounds that it is overly broad,  
 21 unduly burdensome and oppressive. Teachscape further objects to this request to the extent it  
 22 calls for the production of documents protected by the attorney-client privilege, work product  
 23 doctrine or other applicable privilege or protection. Teachscape further objects to this request to  
 24 the extent it calls for the production of confidential, proprietary and/or trade secret information  
 25 of Teachscape, and Teachscape will not produce any such information absent entry of an  
 26 appropriate protective order. Teachscape also objects to this request on the ground that it calls  
 27 for the production of non-party(ies)' confidential, proprietary and/or trade secret information.  
 28

1 Teachscope further objects to this request on the ground that it calls for the production of  
2 documents neither relevant to the subject matter of the pending action nor reasonably calculated  
3 to lead to the discovery of admissible evidence. Teachscope additionally objects to this request  
4 to the extent that it calls for the production of documents that are publicly available to Plaintiffs.  
5 Teachscope further objects to this request on the ground and to the extent that it is duplicative of  
6 other requests.

7 Subject to and without waiving the foregoing specific and general objections set forth  
8 above, Teachscope responds as follows:

9 Should the Court deny Teachscope's Motion To Dismiss, Teachscope will produce  
10 responsive, non-privileged documents at a mutually convenient time and place upon entry of an  
11 appropriate protective order.

12 **REQUEST NO. 42:**

13 All communications between Teachscope and Andrews relating to Teachscope's master's  
14 degree program or graduate course programs offered at Andrews, if any, such as draft course  
15 materials, communications regarding course planning, documents relating to anticipated demand  
16 for the course, communications regarding course administration, and communications regarding  
17 course evaluations.

18 **RESPONSE TO REQUEST NO. 42:**

19 Teachscope objects to this request on the grounds that it is generally vague and ambiguous  
20 and specifically vague and ambiguous as to the words and phrases "draft course materials,"  
21 "course planning," "anticipated demand," "course administration" and "course evaluations."  
22 Teachscope further objects to this request on the grounds that it is overly broad, unduly  
23 burdensome and oppressive. Teachscope further objects to this request to the extent it calls for  
24 the production of documents protected by the attorney-client privilege, work product doctrine or  
25 other applicable privilege or protection. Teachscope further objects to this request on the ground  
26 that it calls for the production of confidential, proprietary and/or trade secret information of  
27 Teachscope and/or Andrews. Teachscope further objects to this request on the ground that it  
28



1 calls for the production of documents neither relevant to the subject matter of the pending action  
2 nor reasonably calculated to lead to the discovery of admissible evidence.

3 **REQUEST NO. 43:**

4 All documents Teachscape provided to, or prepared to provide to, Andrews promoting,  
5 advertising, or recommending a collaboration between Teachscape and Andrews relating to  
6 master's degree programs or graduate course programs.

7 **RESPONSE TO REQUEST NO. 43:**

8 Teachscape objects to this request on the grounds that it is generally vague and ambiguous  
9 and specifically vague and ambiguous as to the words and phrase "provided," "prepared to  
10 provide," "promoting," "advertising," "recommending" and "collaboration." Teachscape further  
11 objects to this request on the grounds that it is overly broad, unduly burdensome and oppressive.  
12 Teachscape further objects to this request to the extent it calls for the production of documents  
13 protected by the attorney-client privilege, work product doctrine or other applicable privilege or  
14 protection. Teachscape further objects to this request on the ground that it calls for the  
15 production of confidential, proprietary and/or trade secret information of Teachscape and/or  
16 Andrews. Teachscape further objects to this request on the ground that it calls for the  
17 production of documents neither relevant to the subject matter of the pending action nor  
18 reasonably calculated to lead to the discovery of admissible evidence.

19 **REQUEST NO. 44:**

20 All communications between Teachscape and Andrews relating to a potential master's  
21 degree program or graduate course program collaboration between Teachscape and Andrews.

22 **RESPONSE TO REQUEST NO. 44:**

23 Teachscape objects to this request on the grounds that it is generally vague and ambiguous  
24 and specifically vague and ambiguous as to the words "potential" and "collaboration."  
25 Teachscape further objects to this request on the grounds that it is overly broad, unduly  
26 burdensome and oppressive. Teachscape further objects to this request to the extent it calls for  
27 the production of documents protected by the attorney-client privilege, work product doctrine or  
28



1 other applicable privilege or protection. Teachscape further objects to this request on the ground  
2 that it calls for the production of confidential, proprietary and/or trade secret information of  
3 Teachscape and/or Andrews. Teachscape further objects to this request on the ground that it  
4 calls for the production of documents neither relevant to the subject matter of the pending action  
5 nor reasonably calculated to lead to the discovery of admissible evidence. Teachscape further  
6 objects to this request on the ground and to the extent that it is duplicative of other requests.

7 **REQUEST NO. 45:**

8 All communications between Teachscape and Cardinal Stritch regarding Teachscape's  
9 master's degree programs or graduate course programs offered at Cardinal Stritch, if any, such  
10 as draft course materials, communications regarding course planning, documents relating to  
11 anticipated demand for the course, communications regarding course administration, and  
12 communications regarding course evaluations.

13 **RESPONSE TO REQUEST NO. 45:**

14 Teachscape objects to this request on the grounds that it is generally vague and ambiguous  
15 and specifically vague and ambiguous as to the words and phrases "draft course materials,"  
16 "course planning," "anticipated demand," "course administration" and "course evaluations."  
17 Teachscape further objects to this request on the grounds that it is overly broad, unduly  
18 burdensome and oppressive. Teachscape further objects to this request to the extent it calls for  
19 the production of documents protected by the attorney-client privilege, work product doctrine or  
20 other applicable privilege or protection. Teachscape further objects to this request on the ground  
21 that it calls for the production of confidential, proprietary and/or trade secret information of  
22 Teachscape and/or Cardinal Stritch. Teachscape further objects to this request on the ground  
23 that it calls for the production of documents neither relevant to the subject matter of the pending  
24 action nor reasonably calculated to lead to the discovery of admissible evidence. Teachscape  
25 further objects to this request on the ground and to the extent that it is duplicative of other  
26 requests.

**REQUEST NO. 46:**

All documents Teachscape provided to, or prepared to provide to, Cardinal Stritch promoting, advertising, or recommending a collaboration between Teachscape and Cardinal Stritch relating to master's degree programs or graduate course programs.

**RESPONSE TO REQUEST NO. 46:**

Teachscape objects to this request on the grounds that it is generally vague and ambiguous and specifically vague and ambiguous as to the words and phrase "provided," "prepared to provide," "promoting," "advertising," "recommending" and "collaboration." Teachscape further objects to this request on the grounds that it is overly broad, unduly burdensome and oppressive. Teachscape further objects to this request to the extent it calls for the production of documents protected by the attorney-client privilege, work product doctrine or other applicable privilege or protection. Teachscape further objects to this request on the ground that it calls for the production of confidential, proprietary and/or trade secret information of Teachscape and/or Cardinal Stritch. Teachscape further objects to this request on the ground that it calls for the production of documents neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence. Teachscape further objects to this request on the ground and to the extent that it is duplicative of other requests.

**REQUEST NO. 47:**

All communications between Teachscape and Cardinal Stritch relating to a potential master's degree program or graduate course program collaboration between Teachscape and Cardinal Stritch.

**RESPONSE TO REQUEST NO. 47:**

Teachscape objects to this request on the grounds that it is generally vague and ambiguous and specifically vague and ambiguous as to the words "potential" and "collaboration." Teachscape further objects to this request on the grounds that it is overly broad, unduly burdensome and oppressive. Teachscape further objects to this request to the extent it calls for the production of documents protected by the attorney-client privilege, work product doctrine or

1 other applicable privilege or protection. Teachscape further objects to this request on the ground  
2 that it calls for the production of confidential, proprietary and/or trade secret information of  
3 Teachscape and/or Cardinal Stritch. Teachscape further objects to this request on the ground  
4 that it calls for the production of documents neither relevant to the subject matter of the pending  
5 action nor reasonably calculated to lead to the discovery of admissible evidence. Teachscape  
6 further objects to this request on the ground and to the extent that it is duplicative of other  
7 requests.

8 **REQUEST NO. 48:**

9 All documents and things relating to master's degree programs authored or offered by  
10 Laureate, Canter, and/or Walden, such as course websites, DVDs, videos, video media files,  
11 CDs, audio media files, syllabi, course packets, study resources, articles, texts, course log-ins,  
12 quizzes, tests, course outlines, and grading keys.

13 **RESPONSE TO REQUEST NO. 48:**

14 Teachscape objects to this request on the grounds that it is generally vague and ambiguous  
15 and specifically vague and ambiguous as to the words and phrases "relating to master's degree  
16 programs authored or offered by Laureate, Canter, and/or Walden." Teachscape further objects  
17 to this request on the grounds that it is overly broad, unduly burdensome and oppressive.  
18 Teachscape further objects to this request to the extent it calls for a legal conclusion.  
19 Teachscape further objects to this request to the extent it calls for the production of documents  
20 protected by the attorney-client privilege, work product doctrine or other applicable privilege or  
21 protection. Teachscape further objects to this request to the extent it calls for the production of  
22 confidential, proprietary and/or trade secret information of Teachscape, and Teachscape will not  
23 produce any such information absent entry of an appropriate protective order. Teachscape  
24 further objects to this request on the ground that it calls for the production of documents neither  
25 relevant to the subject matter of the pending action nor reasonably calculated to lead to the  
26 discovery of admissible evidence. Teachscape further objects to this request to the extent that it  
27 calls for the production of documents that are not in the possession, custody or control of  
28

Teachscape. Teachscape further objects to this request to the extent that it calls for the production of documents that are more readily or equally available to Laureate, Canter and/or Walden, and/or which are publicly available. Teachscape further objects to this request on the ground and to the extent that it is duplicative of other requests.

Subject to and without waiving the foregoing specific and general objections set forth above, Teachscape responds as follows:

Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce responsive, non-privileged documents at a mutually convenient time and place upon entry of an appropriate protective order.

**REQUEST NO. 49:**

All documents and things relating to graduate course programs authored or offered by Laureate, Canter, and/or Walden, such as course websites, DVDs, videos, video media files, CDs, audio media files, syllabi, course packets, study resources, articles, texts, course log-ins, quizzes, tests, course outlines, and grading keys.

**RESPONSE TO REQUEST NO. 49:**

Teachscape objects to this request on the grounds that it is generally vague and ambiguous and specifically vague and ambiguous as to the words and phrases "relating to graduate course programs authored or offered by Laureate, Canter, and/or Walden." Teachscape further objects to this request on the grounds that it is overly broad, unduly burdensome and oppressive.

Teachscape further objects to this request to the extent it calls for a legal conclusion.

Teachscape further objects to this request to the extent it calls for the production of documents protected by the attorney-client privilege, work product doctrine or other applicable privilege or protection. Teachscape further objects to this request to the extent it calls for the production of confidential, proprietary and/or trade secret information of Teachscape, and Teachscape will not produce any such information absent entry of an appropriate protective order. Teachscape further objects to this request on the ground that it calls for the production of documents neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the

1 discovery of admissible evidence. Teachscape further objects to this request to the extent that it  
2 calls for the production of documents that are not in the possession, custody or control of  
3 Teachscape. Teachscape further objects to this request to the extent that it calls for the  
4 production of documents that are more readily or equally available to Laureate, Canter and/or  
5 Walden, and/or which are publicly available. Teachscape further objects to this request on the  
6 ground and to the extent that it is duplicative of other requests.

7 Subject to and without waiving the foregoing specific and general objections set forth  
8 above, Teachscape responds as follows:

9 Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce  
10 responsive, non-privileged documents at a mutually convenient time and place upon entry of an  
11 appropriate protective order.

12 **REQUEST NO. 50:**

13 All documents and things created, authored, or edited by Laureate, Canter, or Walden,  
14 and in the possession of Canter's former employees.

15 **RESPONSE TO REQUEST NO. 50:**

16 Teachscape objects to this request on the grounds that it is generally vague and ambiguous  
17 and specifically vague and ambiguous as to the phrase "created, authored or edited."

18 Teachscape further objects to this request on the grounds that it is overly broad, unduly  
19 burdensome and oppressive. Teachscape further objects to this request on the grounds that it  
20 calls for a legal conclusion. Teachscape further objects to this request on the grounds that it  
21 lacks foundation and assumes facts not in evidence. Teachscape further objects to this request  
22 on the grounds that it calls for speculation. Teachscape further objects to this request on the  
23 ground that it calls for the production of documents neither relevant to the subject matter of the  
24 pending action nor reasonably calculated to lead to the discovery of admissible evidence.  
25 Teachscape further objects to this request to the extent that it calls for the production of  
26 documents that are not in the possession, custody or control of Teachscape. Teachscape further  
27 objects to this request on the ground and to the extent that it is duplicative of other requests.  
28

1 Subject to and without waiving the foregoing specific and general objections set forth  
2 above, Teachscape responds as follows:

3 Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce  
4 responsive, non-privileged documents at a mutually convenient time and place upon entry of an  
5 appropriate protective order.

6 **REQUEST NO. 51:**

7 All documents and things relating to employment agreements between Teachscape and  
8 any of Canter's former employees.

9 **RESPONSE TO REQUEST NO. 51:**

10 Teachscape objects to this request on the grounds that it is generally vague and ambiguous  
11 and specifically vague and ambiguous as to the phrase "relating to employment agreements."  
12 Teachscape further objects to this request on the grounds that it is overly broad, unduly  
13 burdensome and oppressive. Teachscape further objects to this request to the extent it calls for  
14 the production of documents protected by the attorney-client privilege, work product doctrine or  
15 other applicable privilege or protection. Teachscape further objects to this request on the ground  
16 that it calls for the production of confidential, proprietary and/or trade secret information of  
17 Teachscape, as well as the production of documents and information to which third parties have  
18 a constitutional right to privacy, and Teachscape will not produce such information absent entry  
19 of an appropriate protective order and subject to the consent of such third parties. Teachscape  
20 further objects to this request on the ground that it calls for the production of documents neither  
21 relevant to the subject matter of the pending action nor reasonably calculated to lead to the  
22 discovery of admissible evidence. Teachscape further objects to this request to the extent that it  
23 calls for the production of documents that are not in the possession, custody or control of  
24 Teachscape.

25 Subject to and without waiving the foregoing specific and general objections set forth  
26 above, Teachscape responds as follows:

27 Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce  
28



1 responsive, non-privileged documents at a mutually convenient time and place upon entry of an  
2 appropriate protective order.

3 **REQUEST NO. 52:**

4 All documents and things relating to agreements for confidentiality or secrecy between  
5 Teachscope and any of Canter's former employees.

6 **RESPONSE TO REQUEST NO. 52:**

7 Teachscope objects to this request on the grounds that it is generally vague and ambiguous  
8 and specifically vague and ambiguous as to the phrase "relating to agreements for confidentiality  
9 or secrecy." Teachscope further objects to this request on the grounds that it is overly broad,  
10 unduly burdensome and oppressive. Teachscope further objects to this request to the extent it  
11 calls for the production of documents protected by the attorney-client privilege, work product  
12 doctrine or other applicable privilege or protection. Teachscope further objects to this request to  
13 the extent it calls for the production of confidential, proprietary and/or trade secret information  
14 of Teachscope, as well as the production of documents and information to which third parties  
15 have a constitutional right to privacy, and Teachscope will not produce such information absent  
16 entry of an appropriate protective order and subject to the consent of such third parties.  
17 Teachscope further objects to this request on the ground that it calls for the production of  
18 documents neither relevant to the subject matter of the pending action nor reasonably calculated  
19 to lead to the discovery of admissible evidence. Teachscope further objects to this request to the  
20 extent that it calls for the production of documents that are not in the possession, custody or  
21 control of Teachscope.

22 Subject to and without waiving the foregoing specific and general objections set forth  
23 above, Teachscope responds as follows:

24 Should the Court deny Teachscope's Motion To Dismiss, Teachscope will produce  
25 responsive, non-privileged documents at a mutually convenient time and place upon entry of an  
26 appropriate protective order.

1 **REQUEST NO. 53:**

2 All documents and things evidencing policies relating to confidentiality or secrecy  
3 communicated between Teachescape and any of Canter's former employees.

4 **RESPONSE TO REQUEST NO. 53:**

5 Teachescape objects to this request on the grounds that it is generally vague and ambiguous  
6 and unintelligible in its entirety, and specifically vague and ambiguous as to the phrase  
7 "evidencing policies relating to confidentiality or secrecy communicated between." Teachescape  
8 further objects to this request on the grounds that it is overly broad, unduly burdensome and  
9 oppressive. Teachescape further objects to this request to the extent it calls for the production of  
10 documents protected by the attorney-client privilege, work product doctrine or other applicable  
11 privilege or protection. Teachescape further objects to this request to the extent it calls for the  
12 production of confidential, proprietary and/or trade secret information of Teachescape, as well as  
13 the production of documents and information to which third parties have a constitutional right to  
14 privacy, and Teachescape will not produce such information absent entry of an appropriate  
15 protective order and subject to the consent of such third parties. Teachescape further objects to  
16 this request on the ground that it calls for the production of documents neither relevant to the  
17 subject matter of the pending action nor reasonably calculated to lead to the discovery of  
18 admissible evidence. Teachescape further objects to this request to the extent that it calls for the  
19 production of documents that are not in the possession, custody or control of Teachescape.

20 Subject to and without waiving the foregoing specific and general objections set forth  
21 above, Teachescape responds as follows:

22 Should the Court deny Teachescape's Motion To Dismiss, Teachescape will produce  
23 responsive, non-privileged documents at a mutually convenient time and place upon entry of an  
24 appropriate protective order.

25 **REQUEST NO. 54:**

26 All documents and things evidencing communications relating to the use of prior  
27 employer's information between Teachescape and any of Canter's former employees.

**RESPONSE TO REQUEST NO. 54:**

Teachscape objects to this request on the grounds that it is generally vague and ambiguous in its entirety, and specifically vague and ambiguous as to the phrase "evidencing communications relating to use of prior employer's information." Teachscape further objects to this request on the grounds that it is overly broad, unduly burdensome and oppressive.

Teachscape further objects to this request to the extent it calls for the production of documents protected by the attorney-client privilege, work product doctrine or other applicable privilege or protection. Teachscape further objects to this request to the extent it calls for the production of confidential, proprietary and/or trade secret information of Teachscape, as well as the production of documents and information to which third parties have a constitutional right to privacy, and Teachscape will not produce such information absent entry of an appropriate protective order and subject to the consent of such third parties. Teachscape further objects to this request on the grounds that it calls for speculation. Teachscape further objects to this request on the ground that it calls for the production of documents neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence. Teachscape further objects to this request to the extent that it calls for the production of documents that are not in the possession, custody or control of Teachscape.

Subject to and without waiving the foregoing specific and general objections set forth above, Teachscape responds as follows:

Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce responsive, non-privileged documents at a mutually convenient time and place upon entry of an appropriate protective order.

**REQUEST NO. 55:**

All documents and things relating to Laureate, Canter, and/or Walden.

**RESPONSE TO REQUEST NO. 55:**

Teachscape objects to this request on the grounds that it is generally vague and ambiguous in its use of the phrase "relating to Laureate, Canter, and/or Walden." Teachscape further

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objects to this request on the grounds that it is overly broad, unduly burdensome and oppressive. Teachscope further objects to this request to the extent it calls for the production of documents protected by the attorney-client privilege, work product doctrine or other applicable privilege or protection. Teachscope further objects to this request to the extent it calls for the production of confidential, proprietary and/or trade secret information of Teachscope and/or third parties. Teachscope further objects to this request to the extent it calls for the production of documents neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence. Teachscope further objects to this request to the extent that it calls for the production of documents that are not in the possession, custody or control of Teachscope. Teachscope further objects to this request to the extent that it calls for the production of documents that are equally or more readily available from Laureate, Canter and/or Walden and/or are publicly available. Teachscope further objects to this request to the extent that it duplicative of other requests.

Subject to and without waiving the foregoing specific and general objections set forth above, Teachscope responds as follows:

Should the Court deny Teachscope's Motion To Dismiss, Teachscope will produce responsive, non-privileged documents at a mutually convenient time and place upon entry of an appropriate protective order.

**REQUEST NO. 56:**

All communications with customers or potential customers, including elementary and high school teachers, relating to Laureate, Canter, and/or Walden.

**RESPONSE TO REQUEST NO. 56:**

Teachscope objects to this request on the grounds that it is generally vague and ambiguous and unintelligible in its entirety, and specifically vague and ambiguous as to the phrases "potential customers" and "relating to Laureate, Canter, and/or Walden." Teachscope further objects to this request on the grounds that it is overly broad, unduly burdensome and oppressive. Teachscope further objects to this request to the extent it calls for the production of confidential,

1 proprietary and/or trade secret information of Teachscape and/or third parties. Teachscape  
 2 further objects to this request to the extent it calls for the production of documents neither  
 3 relevant to the subject matter of the pending action nor reasonably calculated to lead to the  
 4 discovery of admissible evidence. Teachscape further objects to this request to the extent that it  
 5 calls for the production of documents that are not in the possession, custody or control of  
 6 Teachscape. Teachscape further objects to this request to the extent that it duplicative of other  
 7 requests.

8 Subject to and without waiving the foregoing specific and general objections set forth  
 9 above, Teachscape responds as follows:

10 Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce  
 11 responsive, non-privileged documents at a mutually convenient time and place upon entry of an  
 12 appropriate protective order.

13 **REQUEST NO. 57:**

14 All communications between Teachscape and any of Canter's former employees relating  
 15 to Laureate, Canter, and/or Walden.

16 **RESPONSE TO REQUEST NO. 57:**

17 Teachscape objects to this request on the grounds that it is generally vague and ambiguous  
 18 and specifically vague and ambiguous as to the phrase "relating to Laureate, Canter, and/or  
 19 Walden." Teachscape further objects to this request on the grounds that it is overly broad,  
 20 unduly burdensome and oppressive. Teachscape further objects to this request to the extent it  
 21 calls for the production of documents protected by the attorney-client privilege, work product  
 22 doctrine or other applicable privilege or protection. Teachscape further objects to this request to  
 23 the extent it calls for the production of confidential, proprietary and/or trade secret information  
 24 of Teachscape, as well as the production of documents and information to which third parties  
 25 have a constitutional right to privacy, and Teachscape will not produce such information absent  
 26 entry of an appropriate protective order and subject to the consent of such third parties.

27 Teachscape further objects to this request to the extent it calls for the production of documents  
 28

1 neither relevant to the subject matter of the pending action nor reasonably calculated to lead to  
2 the discovery of admissible evidence. Teachscape further objects to this request to the extent  
3 that it calls for the production of documents that are not in the possession, custody or control of  
4 Teachscape. Teachscape further objects to this request to the extent that it duplicative of other  
5 requests.

6 Subject to and without waiving the foregoing specific and general objections set forth  
7 above, Teachscape responds as follows:

8 Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce  
9 responsive, non-privileged documents at a mutually convenient time and place upon entry of an  
10 appropriate protective order.

11 **REQUEST NO. 58:**

12 All communications between two or more of Canter's former employees relating to  
13 Laureate, Canter, and/or Walden.

14 **RESPONSE TO REQUEST NO. 58:**

15 Teachscape objects to this request on the grounds that it is generally vague, ambiguous in  
16 its entirety and specifically vague and ambiguous as to the phrase "communications between  
17 two or more of Canters' former employees relating to Laureate, Canter, and/or Walden."

18 Teachscape further objects to this request on the grounds that it is overly broad, unduly  
19 burdensome and oppressive. Teachscape further objects to this request to the extent it lacks  
20 foundation and assumes facts not in evidence. Teachscape further objects to this request on the  
21 grounds that it calls for speculation. Teachscape further objects to this request to the extent it  
22 calls for the production of documents protected by the attorney-client privilege, work product  
23 doctrine or other applicable privilege or protection. Teachscape further objects to this request to  
24 the extent it calls for the production of confidential, proprietary and/or trade secret information  
25 of Teachscape, as well as the production of documents and information to which third parties  
26 have a constitutional right to privacy, and Teachscape will not produce such information absent  
27 entry of an appropriate protective order and subject to the consent of such third parties.  
28



Teachscape further objects to this request on the ground that it calls for the production of documents neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence. Teachscape further objects to this request to the extent that it calls for the production of documents that are not in the possession, custody or control of Teachscape. Teachscape further objects to this request to the extent that it duplicative of other requests.

Subject to and without waiving the foregoing specific and general objections set forth above, Teachscape responds as follows:

Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce responsive, non-privileged documents at a mutually convenient time and place upon entry of an appropriate protective order.

**REQUEST NO. 59:**

All communications between any of Canter's former employees, Andrews, Cardinal Stritch, Marygrove, NYSUT ELT, Seattle Pacific or any accredited university relating to Laureate, Canter, and/or Walden.

**RESPONSE TO REQUEST NO. 59:**

Teachscape objects to this request on the grounds that it is generally vague, ambiguous and unintelligible in its entirety, and specifically vague and ambiguous as to the phrase "relating to Laureate, Canter, and/or Walden." Teachscape further objects to this request on the grounds that it is overly broad, unduly burdensome and oppressive. Teachscape further objects to this request on the grounds that it lacks foundation and assumes facts not in evidence. Teachscape further objects to this request on the grounds that it calls for speculation. Teachscape further objects to this request on the ground that it calls for the production of confidential, proprietary and/or trade secret information of Teachscape and/or non-parties to this action. Teachscape further objects to this request on the ground that it calls for the production of documents neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence. Teachscape further objects to this request to the extent that it calls for the

1 production of documents that are not in the possession, custody or control of Teachscope.

2 Teachscope further objects to this request to the extent that it duplicative of other requests.

3 Subject to and without waiving the foregoing specific and general objections set forth  
4 above, Teachscope responds as follows:

5 Should the Court deny Teachscope's Motion To Dismiss, Teachscope will produce  
6 responsive, non-privileged documents at a mutually convenient time and place upon entry of an  
7 appropriate protective order.

8 **REQUEST NO. 60:**

9 All documents and things relating to Canter's 3-year strategic plans.

10 **RESPONSE TO REQUEST NO. 60:**

11 Teachscope objects to this request on the grounds that it is generally vague and ambiguous  
12 and specifically vague and ambiguous as to the phrase "3-year strategic plans" and to the extent  
13 it calls for a legal conclusion. Teachscope further objects to this request on the grounds that it  
14 lacks foundation and calls for speculation. Teachscope further objects to this request to the  
15 extent it calls for the production of documents protected by the attorney-client privilege, work  
16 product doctrine or other applicable privilege or protection. Teachscope further objects to this  
17 request to the extent that it calls for the production of documents that are not in the possession,  
18 custody or control of Teachscope. Teachscope further objects to this request to the extent that it  
19 duplicative of other requests.

20 **REQUEST NO. 61:**

21 All documents and things relating to Canter's Corporate Investment Proposals.

22 **RESPONSE TO REQUEST NO. 61:**

23 Teachscope objects to this request on the grounds that it is generally vague and ambiguous  
24 and specifically vague and ambiguous as to the phrase "Corporate Investment Proposals" and as  
25 calling for a legal conclusion. Teachscope further objects to this request on the grounds that it  
26 lacks foundation and calls for speculation. Teachscope further objects to this request to the  
27 extent it calls for the production of documents protected by the attorney-client privilege, work  
28

product doctrine or other applicable privilege or protection. Teachscape further objects to this request to the extent that it calls for the production of documents that are not in the possession, custody or control of Teachscape. Teachscape further objects to this request to the extent that it duplicative of other requests.

**REQUEST NO. 62:**

All documents and things relating to Canter's Onyx customer relationship management (CRM) database.

**RESPONSE TO REQUEST NO. 62:**

Teachscape objects to this request on the grounds that it is generally vague and ambiguous and specifically vague and ambiguous as to the phrase "relating to Canter's Onyx customer relationship management (CRM) database" and to the extent it calls for a legal conclusion.

Teachscape further objects to this request on the grounds that it lacks foundation and calls for speculation. Teachscape further objects to this request to the extent it calls for the production of documents protected by the attorney-client privilege, work product doctrine or other applicable privilege or protection. Teachscape further objects to this request to the extent that it calls for the production of documents that are not in the possession, custody or control of Teachscape. Teachscape further objects to this request to the extent that it duplicative of other requests.

**REQUEST NO. 63:**

All lists relating to potential customers for graduate course programs or master's degree programs, including elementary and high school teachers.

**RESPONSE TO REQUEST NO. 63:**

Teachscape objects to this request on the grounds that it is generally vague and ambiguous and specifically vague and ambiguous as to the phrase "lists relating to potential customers."

Teachscape further objects to this request on the ground that it calls for the production of confidential, proprietary and/or trade secret information of Teachscape. Teachscape further objects to this request as overly broad, unduly burdensome and oppressive, on the ground that it calls for the production of documents neither relevant to the subject matter of the pending action

1 nor reasonably calculated to lead to the discovery of admissible evidence. Teachscope further  
2 objects to this request to the extent it calls for the production of documents protected by the  
3 attorney-client privilege, work product doctrine or other applicable privilege or protection.  
4 Teachscope further objects to this request to the extent that it duplicative of other requests.

5 **REQUEST NO. 64:**

6 All lists relating to models and strategies for segmentation and targeting of potential  
7 customers for graduate course programs or master's degree programs.

8 **RESPONSE TO REQUEST NO. 64:**

9 Teachscope objects to this request on the grounds that it is generally vague and ambiguous  
10 and specifically vague and ambiguous as to the phrase "lists relating to models and strategies for  
11 segmentation and targeting of potential customers." Teachscope further objects to this request  
12 on the ground that it calls for the production of confidential, proprietary and/or trade secret  
13 information of Teachscope. Teachscope further objects to this request as overly broad, unduly  
14 burdensome and oppressive, on the ground that it calls for the production of documents neither  
15 relevant to the subject matter of the pending action nor reasonably calculated to lead to the  
16 discovery of admissible evidence. Teachscope further objects to this request to the extent it calls  
17 for the production of documents protected by the attorney-client privilege, work product  
18 doctrine or other applicable privilege or protection. Teachscope further objects to this request to  
19 the extent that it duplicative of other requests.

20 **REQUEST NO. 65:**

21 All documents and things relating to advertisement, promotion, and marketing of  
22 Teachscope's graduate course programs and master's degree programs, including marketing  
23 strategy, marketing methods, market research, analyses of potential demand, marketing  
24 proposals, marketing studies, survey proposals and survey results.

25 **RESPONSE TO REQUEST NO. 65:**

26 Teachscope objects to this request on the grounds that it is generally vague and ambiguous  
27 and specifically vague and ambiguous as to the words and phrases "advertisement, promotion  
28

1 and marketing," "marketing strategy," "marketing methods," "market research," "analyses of  
 2 potential demand," "marketing proposals," "marketing studies," "survey proposals" and "survey  
 3 results." Teachscape further objects to this request on the ground that it calls for the production  
 4 of confidential, proprietary and/or trade secret information of Teachscape. Teachscape further  
 5 objects to this request as overly broad, unduly burdensome and oppressive, on the ground that it  
 6 calls for the production of documents neither relevant to the subject matter of the pending action  
 7 nor reasonably calculated to lead to the discovery of admissible evidence. Teachscape further  
 8 objects to this request to the extent it calls for the production of documents protected by the  
 9 attorney-client privilege, work product doctrine or other applicable privilege or protection.  
 10 Teachscape further objects to this request to the extent that it duplicative of other requests.

11 **REQUEST NO. 66:**

12 All documents and things relating to methods for creating graduate course programs and  
 13 master's degree programs, including the selection of presenters for video presentations, the  
 14 structuring of the program generally, and the structuring of the course curriculums and materials  
 15 for these programs.

16 **RESPONSE TO REQUEST NO. 66:**

17 Teachscape objects to this request on the grounds that it is generally vague and ambiguous  
 18 and specifically vague and ambiguous as to the word and phrases "methods for creating,"  
 19 "selection of presenters" "structuring," "program generally" and "course curriculums and  
 20 materials." Teachscape further objects to this request on the ground that it calls for the  
 21 production of confidential, proprietary and/or trade secret information of Teachscape.  
 22 Teachscape further objects to this request as overly broad, unduly burdensome and oppressive,  
 23 on the ground that it calls for the production of documents neither relevant to the subject matter  
 24 of the pending action nor reasonably calculated to lead to the discovery of admissible evidence.  
 25 Teachscape further objects to this request to the extent it calls for the production of documents  
 26 protected by the attorney-client privilege, work product doctrine or other applicable privilege or  
 27  
 28

1 protection. Teachscape further objects to this request to the extent that it duplicative of other  
2 requests.

3 **REQUEST NO. 67:**

4 All documents and things relating to Teachscape's knowledge of Laureate's or Canter's  
5 relationship with Andrews, Marygrove, Cardinal Stritch, or any other accredited university.

6 **RESPONSE TO REQUEST NO. 67:**

7 Teachscape objects to this request on the grounds that it is generally vague and ambiguous  
8 and specifically vague and ambiguous as to the words and phrase "relating to Teachscape's  
9 knowledge," and "relationship." Teachscape further objects to this request on the grounds that it  
10 is overly broad, unduly burdensome and oppressive to the extent it seeks documents neither  
11 relevant to the subject matter of the pending action nor reasonably calculated to lead to the  
12 discovery of admissible evidence. Teachscape further objects to this request to the extent it calls  
13 for the production of documents protected by the attorney-client privilege, work product  
14 doctrine or other applicable privilege or protection. Teachscape further objects to this request on  
15 the ground that it calls for the production of confidential, proprietary and/or trade secret  
16 information of Teachscape. Teachscape further objects to this request on the ground that it calls  
17 for information that is a matter of public record. Teachscape further objects to this request to  
18 the extent that it duplicative of other requests.

19 **REQUEST NO. 68:**

20 All documents and things relating to Teachscape's knowledge of Laureate's or Canter's  
21 contracts with Andrews, Marygrove, Cardinal Stritch, or any other accredited university.

22 **RESPONSE TO REQUEST NO. 68:**

23 Teachscape objects to this request on the grounds that it is generally vague and ambiguous  
24 and specifically vague and ambiguous as to the words and phrase "relating to Teachscape's  
25 knowledge," and "contracts" and to the extent it calls for a legal conclusion. Teachscape  
26 further objects to this request on the grounds that it is overly broad, unduly burdensome and  
27 oppressive to the extent it seeks documents neither relevant to the subject matter of the pending  
28



1 action nor reasonably calculated to lead to the discovery of admissible evidence. Teachscape  
 2 further objects to this request to the extent it calls for the production of documents protected by  
 3 the attorney-client privilege, work product doctrine or other applicable privilege or protection.  
 4 Teachscape further objects to this request on the ground that it calls for the production of  
 5 confidential, proprietary and/or trade secret information of Teachscape. Teachscape further  
 6 objects to this request on the ground that it calls for information that is a matter of public record.  
 7 Teachscape further objects to this request to the extent that it duplicative of other requests.

8 Subject to and without waiving the foregoing specific and general objections set forth  
 9 above, Teachscape responds as follows:

10 Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce  
 11 responsive, non-privileged documents at a mutually convenient time and place upon entry of an  
 12 appropriate protective order.

13 **REQUEST NO. 69:**

14 All documents and things relating to any of Canter's or Laureate's proprietary  
 15 information, including but not limited to the items set forth in Plaintiffs Canter & Associates,  
 16 LLC'S And Laureate Education, Inc.'s Identification Of Trade Secrets, and any amendments  
 17 thereto.

18 **RESPONSE TO REQUEST NO. 69:**

19 Teachscape objects to this request on the grounds that it is generally vague and ambiguous  
 20 and specifically vague and ambiguous as to the phrase "relating to any of Canter's or Laureate's  
 21 proprietary information" and "Trade Secrets" and to the extent it calls for a legal conclusion.

22 Teachscape further objects to this request on the ground that it lacks foundation and calls for  
 23 speculation. Teachscape further objects to this request to the extent it calls for the production of  
 24 documents protected by the attorney-client privilege, work product doctrine or other applicable  
 25 privilege or protection. Teachscape further objects to this request on the ground that it calls for  
 26 the production of confidential, proprietary and/or trade secret information of Teachscape.

27 Teachscape further objects to this request to the extent that it calls for the production of  
 28

1 documents that are not in the possession, custody or control of Teachscape. Teachscape further  
2 objects to this request to the extent that it calls for the production of documents more readily or  
3 equally available to Plaintiffs or which are publicly available. Teachscape further objects to this  
4 request to the extent that it is duplicative of other requests.

5 Subject to and without waiving the foregoing specific and general objections set forth  
6 above, Teachscape responds as follows:

7 Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce  
8 responsive, non-privileged documents at a mutually convenient time and place.

9 **REQUEST NO. 70:**

10 Documents sufficient to show Teachscape's actual costs of developing Teachscape's  
11 graduate course programs and master's degree programs, including payments to employees and  
12 independent contractors for such development from the beginning of their development to the  
13 present.

14 **RESPONSE TO REQUEST NO. 70:**

15 Teachscape objects to this request on the grounds that it is generally vague and ambiguous  
16 and specifically vague and ambiguous as to the words and phrase "actual costs," "payments,"  
17 "development" and "beginning." Teachscape further objects to this request on the grounds that  
18 it is overly broad, unduly burdensome and oppressive and harassing. Teachscape further objects  
19 to this request on the ground that it calls for the production of confidential, proprietary and/or  
20 trade secret information of Teachscape and information protected from disclosure under third-  
21 parties constitutional right to privacy. Teachscape further objects to this request on the ground  
22 that it calls for the production of documents neither relevant to the subject matter of the pending  
23 action nor reasonably calculated to lead to the discovery of admissible evidence. Teachscape  
24 further objects to this request to the extent that it duplicative of other requests.

25 **REQUEST NO. 71:**

26 Documents sufficient to show Teachscape's actual gross revenues, net revenues, and  
27 profits or losses relating to its master's degree programs and graduate course programs on a  
28

1 monthly, quarterly, and/or annualized basis from the beginning of their development to the  
2 present.

3 **RESPONSE TO REQUEST NO. 71:**

4 Teachscape objects to this request on the grounds that it is generally vague and ambiguous  
5 and specifically vague and ambiguous as to the words "development" and "beginning."  
6 Teachscape further objects to this request on the grounds that it is overly broad, unduly  
7 burdensome and oppressive and harassing. Teachscape further objects to this request on the  
8 ground that it calls for the production of confidential, proprietary and/or trade secret information  
9 of Teachscape and information protected from disclosure under third-parties' constitutional right  
10 to privacy. Teachscape further objects to this request on the ground that it calls for the  
11 production of documents neither relevant to the subject matter of the pending action nor  
12 reasonably calculated to lead to the discovery of admissible evidence. Teachscape further  
13 objects to this request to the extent that it duplicative of other requests.

14 **REQUEST NO. 72:**

15 Documents sufficient to show Teachscape's projected future gross revenues, net  
16 revenues, and profits or losses relating to its master's degree programs and graduate course  
17 programs on a monthly, quarterly, and/or annualized basis.

18 **RESPONSE TO REQUEST NO. 72:**

19 Teachscape objects to this request on the grounds that it is generally vague and ambiguous  
20 and specifically vague and ambiguous as to "projected." Teachscape further objects to this  
21 request on the grounds that it is overly broad, unduly burdensome and oppressive and harassing.  
22 Teachscape further objects to this request on the ground that it calls for the production of  
23 confidential, proprietary and/or trade secret information of Teachscape and information  
24 protected from disclosure under third-parties' constitutional right to privacy. Teachscape further  
25 objects to this request on the ground that it calls for the production of documents neither relevant  
26 to the subject matter of the pending action nor reasonably calculated to lead to the discovery of  
27 admissible evidence. Teachscape further objects to this request to the extent that it duplicative of  
28

1 other requests.

2 **REQUEST NO. 73:**

3 Documents sufficient to show Teachscape's actual variable, fixed, and overhead costs  
4 relating to its master's degree programs and graduate course programs on a monthly, quarterly,  
5 and/or annualized basis from the beginning of their development to the present.

6 **RESPONSE TO REQUEST NO. 73:**

7 Teachscape objects to this request on the grounds that it is generally vague and ambiguous  
8 and specifically vague and ambiguous as to the words "development" and "beginning."  
9 Teachscape further objects to this request on the grounds that it is overly broad, unduly  
10 burdensome and oppressive and harassing. Teachscape further objects to this request on the  
11 ground that it calls for the production of confidential, proprietary and/or trade secret information  
12 of Teachscape and information protected from disclosure under third-parties' constitutional right  
13 to privacy. Teachscape further objects to this request on the ground that it calls for the  
14 production of documents neither relevant to the subject matter of the pending action nor  
15 reasonably calculated to lead to the discovery of admissible evidence. Teachscape further  
16 objects to this request to the extent that it duplicative of other requests.

17 **REQUEST NO. 74:**

18 Documents sufficient to show Teachscape's projected future variable, fixed, and  
19 overhead costs relating to its master's degree programs and graduate course programs on a  
20 monthly, quarterly, and/or annualized basis.

21 **RESPONSE TO REQUEST NO. 74:**

22 Teachscape objects to this request on the grounds that it is generally vague and ambiguous  
23 and specifically vague and ambiguous as to "projected" and "costs." Teachscape further objects  
24 to this request on the grounds that it is overly broad, unduly burdensome and oppressive and  
25 harassing. Teachscape further objects to this request on the ground that it calls for the  
26 production of confidential, proprietary and/or trade secret information of Teachscape and  
27 information protected from disclosure under third-parties' constitutional right to privacy.

Teachscope further objects to this request on the ground that it calls for the production of documents neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence. Teachscope further objects to this request to the extent that it duplicative of other requests.

**REQUEST NO. 75:**

Documents sufficient to show Teachscope's actual per-customer revenue and per-course revenue relating to its master's degree programs and graduate course programs from the beginning of their development to the present.

**RESPONSE TO REQUEST NO. 75:**

Teachscope objects to this request on the grounds that it is generally vague and ambiguous and specifically vague and ambiguous as to the words "revenue," "development" and "beginning." Teachscope further objects to this request on the grounds that it is overly broad, unduly burdensome and oppressive and harassing. Teachscope further objects to this request on the ground that it calls for the production of confidential, proprietary and/or trade secret information of Teachscope and information protected from disclosure under third-parties' constitutional right to privacy. Teachscope further objects to this request on the ground that it calls for the production of documents neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence. Teachscope further objects to this request to the extent that it duplicative of other requests.

**REQUEST NO. 76:**

Documents sufficient to show Teachscope's actual incremental/marginal cost per-customer and incremental/marginal cost per-course relating to its master's degree programs and graduate course programs from the beginning of their development to the present.

**RESPONSE TO REQUEST NO. 76:**

Teachscope objects to this request on the grounds that it is generally vague and ambiguous and specifically vague and ambiguous as to the words and phrases "incremental/marginal," "cost," "development" and "beginning." Teachscope further objects to this request on the

grounds that it is overly broad, unduly burdensome and oppressive and harassing. Teachscape further objects to this request on the ground that it calls for the production of confidential, proprietary and/or trade secret information of Teachscape and information protected from disclosure under third-parties constitutional right to privacy. Teachscape further objects to this request on the ground that it calls for the production of documents neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence. Teachscape further objects to this request to the extent that it duplicative of other requests.

**REQUEST NO. 77:**

Documents sufficient to show Teachscape's actual average cost per-customer and average cost per-course relating to its master's degree programs and graduate course programs from the beginning of their development to the present.

**RESPONSE TO REQUEST NO. 77:**

Teachscape objects to this request on the grounds that it is generally vague and ambiguous and specifically vague and ambiguous as to the words and phrases "cost," "development" and "beginning." Teachscape further objects to this request on the grounds that it is overly broad, unduly burdensome and oppressive and harassing. Teachscape further objects to this request on the ground that it calls for the production of confidential, proprietary and/or trade secret information of Teachscape and information protected from disclosure under third-parties constitutional right to privacy. Teachscape further objects to this request on the ground that it calls for the production of documents neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence. Teachscape further objects to this request to the extent that it duplicative of other requests.

**REQUEST NO. 78:**

All documents and things relating to projected or completed timelines or schedules for development of Teachscape's graduate course programs and graduate degree programs.

**RESPONSE TO REQUEST NO. 78:**



Teachscape objects to this request on the grounds that it is generally vague and ambiguous and specifically vague and ambiguous as to the phrase "projected or completed timelines or schedules for development." Teachscape further objects to this request on the grounds that it is overly broad, unduly burdensome and oppressive and harassing. Teachscape further objects to this request on the ground that it calls for the production of confidential, proprietary and/or trade secret information of Teachscape. Teachscape further objects to this request on the ground that it calls for the production of documents neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence. Teachscape further objects to this request to the extent that it duplicative of other requests.

**REQUEST NO. 79:**

Organizational charts sufficient to show titles and supervisor/subordinate relationships of Teachscape's personnel that developed, marketed, or were involved in decisions relating to Teachscape's graduate course programs and graduate degree programs, and all different versions, past and present, of any such organizational charts.

**RESPONSE TO REQUEST NO. 79:**

Teachscape objects to this request on the grounds that it is generally vague and ambiguous and specifically vague and ambiguous as to the words and phrase "relationships," "developed, marketed or were involved" and "decisions." Teachscape further objects to this request on the grounds that it is overly broad, unduly burdensome and oppressive. Teachscape further objects to this request on the ground that it calls for the production of confidential, proprietary and/or trade secret information of Teachscape, and Teachscape will not produce such information absent entry of an appropriate protective order. Teachscape further objects to this request on the ground that it calls for the production of documents neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing specific and general objections set forth above, Teachscape responds as follows:

Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce

1 responsive, non-privileged documents at a mutually convenient time and place upon entry of an  
2 appropriate protective order.

3 **REQUEST NO. 80:**

4 All documents and things relating to Teachscape's document retention or destruction  
5 policies from 2002 to the present.

6 **RESPONSE TO REQUEST NO. 80:**

7 Teachscape objects to this request on the grounds that it is generally vague and ambiguous  
8 and specifically vague and ambiguous as to the phrases "document retention" and "destruction  
9 policies." Teachscape further objects to this request to the extent it calls for the production of  
10 documents protected by the attorney-client privilege, work product doctrine or other applicable  
11 privilege or protection. Teachscape further objects to this request on the ground that it calls for  
12 the production of confidential and proprietary information of Teachscape, and Teachscape will  
13 not produce such information absent entry of an appropriate protective order. Teachscape  
14 further objects to this request on the ground that it calls for the production of documents neither  
15 relevant to the subject matter of the pending action nor reasonably calculated to lead to the  
16 discovery of admissible evidence.

17 Subject to and without waiving the foregoing specific and general objections set forth  
18 above, Teachscape responds as follows:

19 Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce  
20 responsive, non-privileged documents at a mutually convenient time and place upon entry of an  
21 appropriate protective order.

22 Dated: November 14, 2007

SONNENSCHN NATH & ROSENTHAL LLP

23  
24 By   
25 GAYLE M. ATHANACIO

26 Attorneys for Defendant  
27 TEACHSCAPE, INC.  
28

PROOF OF SERVICE

I, Patricia Cranmer, hereby declare:

I am employed in the City and County of San Francisco, California in the office of a member of the bar of this court at whose direction the following service was made. I am over the age of eighteen years and not a party to the within action. My business address is Sonnenschein Nath & Rosenthal LLP, 525 Market Street, 26<sup>th</sup> Floor, San Francisco, California 94105.

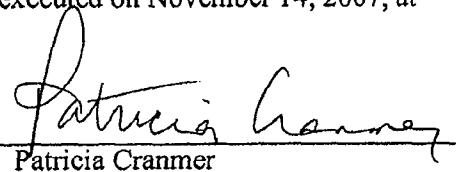
On November 14, 2007, I caused to be served on the interested parties in this action the following document(s): **DEFENDANT TEACHSCAPE, INC.'S RESPONSE TO PLAINTIFFS' FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS (NOS. 1-80)** by placing a true copy(ies) thereof, on the above date, enclosed in a sealed envelope, following the ordinary business practice of Sonnenschein Nath & Rosenthal LLP, as follows:

Annette Hurst, Esq.  
Daniel N. Kassabian, Esq.  
Elena M. DiMuzio, Esq.  
Heller Ehrman LLP  
333 Bush Street  
San Francisco, CA 94104  
Telephone: (415) 772-6131/6098  
Fax: (415) 772-6268

☒ VIA U.S. MAIL: I am personally and readily familiar with the business practice of Sonnenschein Nath & Rosenthal LLP for collection and processing of correspondence for mailing with the United States Postal Service, pursuant to which mail placed for collection at designated stations in the ordinary course of business is deposited the same day, proper postage prepaid, with the United States Postal Service.

☐ FACSIMILE TRANSMISSION: I caused such document to be sent by facsimile transmission at the above-listed fax number for the party.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on November 14, 2007, at San Francisco, California.

  
Patricia Cranmer